HOUSE OF REPRESENTATIVES—*Wednesday, September 27, 1995*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We acknowledge, O God, that there is the temporal and the eternal in our lives and in the affairs of every person. We know too that so much that we think important and necessary passes away and remains as a fading memory. We know also the daily reality of a vibrant faith that we can have in Your word, a trust that transcends all the power and pomp of a busy world. Teach us, gracious God, to focus not on the transient, but on the eternal, so we may truly gain a heart of wisdom. In Your name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. BARRETT of Nebraska. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

Mr. SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BARRETT of Nebraska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to the provisions of clause 1, rule I, the Chair will postpone the vote until later in the day.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from Florida [Ms. BROWN] come forward and lead the House in the Pledge of Allegiance.

Ms. BROWN of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. A recent misuse of handouts on the floor of the House has been called to the attention of the Chair and the House. At the bipartisan request of the Committee on Standards of Official Conduct, the Chair announces that all handouts distributed on or adjacent to the House floor by Members during House proceedings must bear the name of the Member authorizing their distribution. In addition, the content of those materials must comport with standards of propriety applicable to words spoken in debate or inserted in the RECORD. Failure to comply with this admonition may constitute a breach of decorum and may give rise to a question of privilege.

The Chair would also remind Members that pursuant to clause 4, rule XXXII, staff are prohibited from engaging in efforts in the Hall of the House or rooms leading thereto to influence Members with regard to the legislation being amended. Staff cannot distribute handouts.

In order to enhance the quality of debate in the House, the Chair would ask Members to minimize the use of handouts.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

OFFICE OF THE GOVERNOR,
Springfield, IL, September 8, 1995.

Hon. NEWT GINGRICH,
Speaker of the House of Representatives, U.S. Congress, Washington, DC.

DEAR SPEAKER GINGRICH: Attached please find the official letter of resignation from Congressman Mel Reynolds of Illinois' Second Congressional District.

Pursuant to state law, I will take the appropriate steps to fill the vacancy created by Congressman Reynolds' resignation. Please do not hesitate to let me know if you have any questions regarding this or any other matter.

Sincerely,

JIM EDGAR,
Governor.

Attachment.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, September 1, 1995.

Hon. JIM EDGAR,
Governor, State of Illinois, Springfield, IL.

DEAR GOVERNOR: Tonight I shall be announcing my resignation from the 104th Congress. Please receive this letter as formal notice to you of my official resignation effective October 1, 1995.

It has been both an honor and a privilege to serve the people of the Second Congressional District of Illinois.

Sincerely,

MEL REYNOLDS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 27, 1995.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR SPEAKER GINGRICH: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on Tuesday, September 26, 1995 at 11:10 a.m.:

That the Senate agreed to the conference report on H.R. 1817; that the Senate passed with amendments and requested conference on H.R. 1868; that the Senate disagreed to House amendments and agreed to conference on S. 440; that the Senate passed S. 619; that the Senate agreed to conference report on H.R. 1854.

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain fifteen 1-minutes on each side.

REFLECTIONS ON THE 1-YEAR ANNIVERSARY OF THE CONTRACT

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, it has been 1 year since House Republicans stood on the west front of the Capitol and promised to change dramatically the way Congress works. We signed a contract that said that we will bring to the floor 10 legislative priorities important to the American people. We brought those bills to the floor and passed nine of them. We kept our promises. We proved that politicians can tell the truth. We proved that real change is possible in Washington.

Mr. Speaker, Rome was not built in a day, and completely reforming the Congress will take more than 1 year. But we have made great strides.

This fall we will focus on four issues critical to our Nation's future: We will pass a budget that balances in 7 years; we will strengthen and protect the Medicare System; we will get tax relief to families who need to have more money to raise their children; and we will reform welfare to give folks a hand up and not a handout.

Columnist David Broder has called this Congress "a rout of historic proportions." Is it not amazing what can

happen when you keep your promises to the American people?

SHUTTING OUT THE AMERICAN PEOPLE ON MEDICARE

Ms. DELAURO. Mr. Speaker, a story in yesterday's USA Today regarding Republican plans to cut more than $270 billion from Medicare quoted 76-year-old Naomi Cutrer. Naomi voiced concern that Republicans are rushing through these Medicare cuts, without public hearings. She said:

We need to slow down. They've only held one hearing on Medicare, and I don't know how many on Ruby Ridge and Whitewater.

Well, Naomi, here's your answer—Congress has had 10 days of hearings on Ruby Ridge, 10 days of hearings on Waco, 28 days of hearings on Whitewater and only a single hearing on Medicare.

Naomi Cutrer and seniors like her all across this country are right to be concerned about attempts by Republicans to ram through these Medicare cuts, without public hearings and without public input. This is supposed to be a government of, by, and for the people, but when it comes to Medicare the American people are being shut up and shut out.

DUCKING RESPONSIBILITY ON MEDICARE

Mr. EHLERS. Mr. Speaker, over the past several months, the Democrats, during our continuing debate over Medicare, have often accused the Republicans of many things which we are not doing, as we have tried to outline our plans. The comment you heard from the previous speaker is an example of that, ignoring the fact that a number of hearings were held on Medicare before the plan was issued.

The Washington Post has this to say about the Democrats' MediScare campaign.

They have no plan. Mr. Gephardt says they can't offer one because the Republicans would simply pocket the money to finance their tax cut. It is the perfect defense. The Democrats can't do the right thing because the Republicans would then do the wrong one. But that has nothing to do with Medicare. The Democrats have fabricated the Medicare-tax-cut connection because it is useful politically. It allows them to attack and to duck responsibility both at the same time. We think it is wrong.

Mr. Speaker, I agree with the Washington Post. I believe the American public agrees with the Washington Post. We are doing the right thing. We have the courage to do the right thing, and we will do it.

GUTTING MEDICARE

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, Webster's Dictionary defines the verb to cut as to hit sharply, to constrict, to reduce, to lessen, to hurt.

I understand that the Republican leadership is unhappy about us using the word "cut" to describe the Republican's revolting and offensive Medicare plan. OK, fine. Maybe "cut" is not quite the right word. Well how about gut? According to Webster's, to gut is to demolish, to destroy. How do you like the word gut? The fact is that Republicans want to destroy Medicare's security and leave our seniors stranded to fend for themselves. Perhaps gut is a more appropriate word.

Mr. Speaker, during the August recess, I held 13 town meetings and met with 3,000 of my constituents. My constituents told me that they are outraged about the Republican's reverse Robin Hood tactics—taking Medicare benefits from seniors in order to pay for a tax break for the wealthy.

Republicans call it a cut in the growth of spending. They call it progress. I call it the good old-fashioned bait and switch.

SAVING MEDICARE MORE IMPORTANT THAN POLITICS

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, we Republicans in Congress have been working very hard to come up with a plan to save Medicare from bankruptcy. Unfortunately, the Democrats in Congress here are refusing to help us, choosing instead to push a MediScare campaign.

This is a prime example of putting partisan politics above the needs of the American people. These liberal Democrats claim that the Republican plan will cut Medicare to pay for a so-called tax break for the rich.

Mr. Speaker, those tax cuts were paid for last April and mainly benefited working families, not the wealthy. Now Democrats are even running TV ads that are designed to help mislead the American people into believing their partisan fantasies.

But Republicans will not be sidetracked. We remain committed to the task at hand, saving Medicare and preserving it for this generation and for future generations. We do not believe that politics should stand in the way of this goal. Saving Medicare is too important.

WAKE UP CALL ON VIOLENCE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, another public official, a prosecutor this time, fighting drugs and gangs, was gunned down in cold blood. I am not talking about Colombia. This was Boston, MA, Congress. Police say that tennage gang leaders ordered this assassination.

Unbelievable. From Boston to Seattle, New York to Los Angeles, your town to my town, American is bleeding, unsafe, and dangerous. I say it is time to treat these teenagers as adults, charged with murder, and they should be put to death. Whether it is a deterrent or not, one thing about capital punishment, there is no recidivism. It is time.

Think about it. When Boston goes from Minuteman to triggerman, all Congress and America should be hearing this wake up call.

I yield back the balance of this violence.

FIXING MEDICARE

(Mr. FRELINGHUYSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRELINGHUYSEN. Mr. Speaker, the American people elect politicians to help fix problems with Government. Pretty simple stuff, one would imagine. But, unfortunately, some politicians do not see things quite so clearly. They see no wrong with Government. Government could never do anything inefficiently or ill-advised.

Take, for example, on this side of the aisle, there are politicians who want to strengthen Medicare, make it a better program, and allow seniors more choices in making their own health care decisions. On the other side of the aisle we have some politicians who passionately defend the status quo, even though the status quo is 30 years old without revisions. They would rather deny Medicare to those in need down the road than do anything to fix it now.

Mr. Speaker, there is no excuse for this irresponsibility. Medicare is in serious need of reform. Republicans want to fix Medicare and make sure it exists for many years to come.

ATTACKING MEDICARE AT EXPENSE OF SENIORS

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, the Republicans' plan to hold just 1 day of hearings on Medicare is an attack on democracy.

I ask where are our priorities? We had 10 days of hearings on Waco and 11 days of hearings on Ruby Ridge so far. Even more alarming, we held over a month of hearings on Whitewater, an issue that most Americans don't care about. Yet, we had only 1 day of hearings for Medicare.

Americans are scared about cuts in Medicare, scared about their future. There should be more than 1 day of hearings on an issue that will affect 37 million seniors. Lets come clean and let Americans know that the real reason Republicans are cutting Medicare by $270 billion is to fund corporate welfare, defense spending, and tax cuts to the rich—all at the expense of the health and well being of senior citizens.

□ 1215

PROMISES MADE AND PROMISES KEPT

(Mr. RIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGGS. Mr. Speaker, these claims coming from the other side of the aisle would have a little more credence if in fact House Democrats had put forth their own plan for preserving and strengthening Medicare. And let us get one thing straight right now. We have had dozens and dozens of hearings in the House of Representatives on what we must do as a Nation to preserve and strengthen Medicare.

I wanted to rise today, though, to point out that 1 year ago I and more than 300 Republican candidates for Congress stood outside the steps of this historic building and signed our name to a Contract With America. Let me read the very first sentence of the contract: "As Republican Members of the House of Representatives and as citizens seeking to join that body, we propose not just to change its policies, but even more important, to restore the bonds of trust between the people and their elected officials."

Mr. Speaker, last January a new majority took control of this House. We came, we saw, and to date we have kept our word. So let us never forget, Mr. Speaker, the power of promises made and the power of promises kept.

ALLOW MEDICARE TRUSTEES TO REVIEW PLANNED CUTS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, let me answer the prior speaker in the well. The trustees of Medicare said $89 billion was necessary to fix it, and so they are cutting $270 billion to save it. They only had 1 day of hearings on this very important issue that affects 37 million people. They have had more hearings on the Chinese prison system that we cannot do anything about from here.

Now, Mr. Speaker, it seems to me that as they wave the trustees report saying they needed to fix it, they better not do anything unless they run the new bill and the new proposal in front of the trustees. That is how we take it out of politics. Take the bill, I say to those on this side of the aisle, take the bill to save Medicare and put it in front of the trustees and see if they believe the $270 billion are really needed.

I think what is happening here is they are trying to get the cake to the fat cats and the cuts to the middle class.

SUPPORT H.R. 743, TEAM ACT

(Mr. BARRETT of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of Nebraska. Mr. Speaker, when the National Labor Relations Act passed in 1935, the idea of the high performance workplace was an unknown concept. Management either issued orders from on high or bargained with the unions over terms and conditions of employment. Since that time, however, and especially during the last 10 years, the concept of employee involvement has blossomed in workplaces all over America. How ironic, then, that the National Labor Relations Board has determined an employer may solicit employee input on what changes are needed in the workplace but it is illegal for an employer to make changes developed in consultation with employees unless those employees are represented by a union.

Mr. Speaker, why should employees be barred from dealing directly with management? The TEAM Act allows employees and employers to resolve workplace problems through team-based employee involvement and enables American companies to compete in the world marketplace.

Mr. Speaker, I urge my colleagues to support the TEAM Act.

THE DEBT CEILING

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, Pat Buchanan's America First campaign, move over. The Speaker is going one better by launching the America Second campaign.

Friday, in New York, he stood, defiant to default. "I don't care what the price is," he proclaimed. "I don't care if we have no executive offices and no bonds for 60 days—not this time."

True, the dollar immediately plunged 5 percent and interest rates shot up. The Wall Street Journal coined a new term, the "Newt Factor." I would call it a "Newtron bomb."

But not to worry. Drive the dollar through the floor, let the interest rates soar, because America and its needs must take second place to the political posturing of the Speaker. America second, NEWT first. That is the spirit of these zealots who say it is NEWT's way or no way.

TEAM ACT DOES NOT APPLY WHERE COLLECTIVE BARGAINING ALREADY EXISTS

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, as we enter the debate over the application of the TEAM Act to American workplaces, let's be clear at the outset on one important point.

This bill has no application to companies which currently operate under a collective-bargaining agreement with an organized group of employees.

Opponents of the TEAM Act claim that the bill would let employers undermine established unions by creating workplace committees or sham company unions to take their place. This claim is false. The bill does not address work relationships in union settings.

It only affects employer/employee relations in nonunion settings. The bill would leave untouched restrictions prohibiting employers in unionized settings from dealing directly with employees.

To establish an employee involvement program in a unionized company, the management would still have to work directly through the unions or else be guilty of an unfair labor practice.

The language of the TEAM Act makes it clear that employee teams are legal only if they do not assume the rule of a labor union.

The TEAM Act thus clearly preserves union veto power over employee involvement.

Please support the TEAM Act when it comes to the floor today.

SUPPORT H.R. 743, THE TEAM ACT, WITHOUT AMENDMENT

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I rise in support of the Teamwork Act, and I would like to talk about a particular employee who is somebody who can benefit by this piece of legislation, a fellow by the name of Joe who worked for one of America's largest companies.

It seemed one of their major customers was dissatisfied with the quality of the service and product that was sent to them and was threatening to switch vendors. The employee, Joe, was working in the manufacturing section of the company and it was discovered that Joe was responsible for 73 percent of the defects for his work crew and 50 percent for the entire department.

Joe's defect rate was brought up to a team meeting, and the team agreed to support Joe completely and help him find ways of discovering defects earlier and faster. They also discovered a key reason for the high rate of Joe's defects was the amount of socialism between operators.

The team was able to redesign the work area, and the result was they developed a quality ladder with five rungs depicting quality that team members may achieve, and Joe is now at the top of the ladder.

Mr. Speaker, I rise in support of the TEAM Act and urge all my colleagues to support it.

DO NOT RUSH MEDICARE PLAN THROUGH THE HOUSE

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD. Mr. Speaker, the trustees and experts as they relate to the Medicare trust fund have indicated there is only $98 billion needed in order to bring about the solvency for the Medicare Program, not the $270 billion that is being proposed by the Republicans. The Republicans are rushing their reckless Medicare plan through the House Committee on Ways and Means, and the only thing we have seen as of today is a 60-page press release.

To increase the Medicare part B premiums on the senior citizens of this country, to double those premiums over the next 6 or 7 years on the seniors who are on fixed, limited incomes is absolùtely wrong. I would hope the Republicans would get that message and listen to what Naomi Cutrer said in the USA Today newspaper yesterday, that it is a shame for the Republicans to rush it through and to add these increases and to bring about this hardship in the Medicare Program.

AMERICANS WANT REAL ANSWERS TO PROBLEMS

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, this past week the Democrats' Special Caucus Task Force on Medicare held a series of mock Medicare hearings. Let us examine the record. Can anyone remember the exact number of Medicare reforms the Democrats Special Task Force on Medicare has proposed? The answer is zippo, zilch, nada, zero, the big goose egg.

Liberals love to pose and posture. They love to pretend and feign concern. One week it is school lunches, the next it is student loans, and now it is Medicare. But the routine is pretty predictable. They distort the Republican position and make us look like monsters, but then they never propose any solutions for their own to deal with whatever the problem is.

Mr. Speaker, the American people are completely fed up with this style of leadership. They want real answers to the real problems faced by their Government. They do not want mock hearings or mock concern about Medicare.

SAVE HEALTH CARE BENEFITS FOR COAL MINERS

(Mr. POSHARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POSHARD. Mr. Speaker, we have over 100,000 retired coal miners in America today, men and women who for 25, 30, even for 40 years exposed themselves to great danger to provide for the energy needs of America.

In 1946 this Congress, working with the coal companies, developed a health care plan to make sure these miners would be provided adequate health care in their later years. But over the years many companies refused to honor their obligations to contribute to the employer funded UMWA health and retirement funds, creating a crisis which threatened the health and security of well over 100,000 retirees.

This Congress responded, and in 1992 we enacted the Coal Industry Retiree Health Benefits Act to make sure companies paid their fair share, to make sure that health care for current and retired coal miners would be preserved for now and in the future.

Last week, Mr. Speaker, that act was overturned in the Ways and Means Committee, leaving these miners to face an uncertain future with regard to their health care. This is wrong, Mr. Speaker, and I plead with this Congress not to enact this act.

SUPPORT H.R. 743, THE TEAM ACT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, should cooperation between employees and employers be illegal? Today, 88 percent of the private sector work force cannot influence the terms and conditions of their employment by sitting down as a group with management and sharing ideas on improving the company. Those 88 percent are nonunionized workers, and it is illegal for employees and an employer to work together to resolve workplace issues using committees or teams that fall within the definition of a labor organization, unless those employees are represented by a union.

An employer can have a suggestion box or hold a conference to discuss ideas in the abstract with employees, but it is illegal for an employer to follow through on any of these activities with actual workplace changes that are developed in consultation with the employees, unless those workers are represented by a union.

The TEAM Act would give nonunion employees the same right as union employees—the right to work with the employer to resolve workplace issues. Join me in supporting H.R. 743, the TEAM Act so that all employees are fairly treated and able to participate in the process of workplace improvement.

WHAT ARE REPUBLICANS HIDING?

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, we are still waiting to see the details of how the Republicans will cut $270 billion from Medicare. The Ways and Means Committee held one—only one—hearing. Even after that hearing, we do not know how they will cut Medicare. We do not have a bill.

It is a shame and disgrace that we are shut out of the process, and the details are carefully guarded from us. This is an affront—not just to Democrats, not just to Members of Congress, but to our senior citizens and the American people.

Mr. Speaker, it was Robert Frost who said, "When you build a wall, who are you trying to fence out?"

So I ask, Why is there only one hearing on this very important plan? What do my colleagues have to hide?

Do not hide the plan. Hold hearings. Let the American people be a part of this process.

□ 1230

REPUBLICANS DEDICATED TO PROMISES OF THE CONTRACT WITH AMERICA

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, it has been 1 year since hundreds of Republican House Members and candidates gathered on the steps of the Capitol and signed a Contract With America. Since then, the Republican Party has gone on to revolutionize American politics and to change business as usual inside the beltway.

In the contract, we made specific promises to vote on specific pieces of legislation. We kept our word. We showed the American people that politicians can come to Washington and actually keep promises—something they have not seen for many years.

Mr. Speaker, Republicans are still dedicated to the promises we made in the contract. We will reduce the size and scope of the Federal Government.

We will cut taxes for working families. We will reform welfare. We will balance the budget.

In short, Mr. Speaker, we will continue to fight for the change that the American people demanded last November, and we will not rest until we have accomplished our goal.

DO NOT EXCLUDE AMERICAN PEOPLE FROM THE MEDICARE DEBATE

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, we have had 28 days of hearings on Whitewater, 14 days of hearings on Waco-Ruby Ridge. We had 2 days of hearings on the Chinese prison system.

Mr. Speaker, 1 day of hearing has been held on Medicare. We were supposed to commence the markup of this legislation right after we returned from the August recess. The legislation was supposed to be ready for the floor. Yet time after time, this proposal has been postponed.

We have not had but 1 day of hearing. We have not considered the legislation. The clock is running. The calendar is turning.

Mr. Speaker, I would urge my colleagues to be fair. What do my Republican colleagues have to hide? Why is it that they are afraid to bring the American people into consideration of their proposal to cut Medicare $270 billion, to make a savings that is only necessary to be $89 billion, according to the trustees of the Social Security System?

Let us be fair. Let us be open. Let us have hearings. Let us not continue this process of delay, while we at the same time exclude the American people from the process.

REPUBLICANS ARE STRENGTHENING, PROTECTING, AND PRESERVING MEDICARE

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, the gentleman from California [Mr. MCKEON], my colleague from Santa Clarita, was telling me that over the weekend he talked to a constituent who said to him,

It was interesting. Last Friday I turned on CNN and I saw the Democrats out on the lawn in the rain holding these hearings, claiming that Republicans were not holding hearings on Medicare. And then I flipped to C-SPAN, and there was the hearings in the Committee on Ways and Means on the issue of health care reform and Medicare.

Mr. Speaker, I am struck to hear the gentleman from Michigan [Mr. DINGELL] talk about the litany of hearings on other issues. The Committee on Ways and Means and the Committee on Commerce held 26 hearings. Last Friday's was the 27th hearing on the issue of Medicare.

Mr. Speaker, I tore out a letter in yesterday's L.A. Times in which this fellow, Frank Anderson from Irvine, said that,

On January 3, 1992, at age 65, my Medicare part B premiums were $31.80 per month. To and including January 3, 1995, I have had 3 increases, about $5 each, to raise my premium to $46.10 per month. If nothing is done, and continuing at this rate for the next 7 years, I would expect 7 more $5 increases to raise the premium to about $81.10 per month.

Mr. Speaker, he goes on to point to the fact that our total would be about $90; President Clinton's, $83. We are strengthening, protecting, and preserving Medicare.

THE RICH GET RICHER AND YOU KNOW THE REST

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, I rise to question the direction of our economy. A recent study by the Economic Policy Institute indicates that although our economic growth has been healthy, living standards for the average American family have continued to fall. The study suggests that there are two types of inequality that have led to the disconnect between economic growth and living standards. First, in the 1990's, overall wage growth has been dampened by a redistribution of income from labor to owners of capital in the form of profits. The report indicates that the economic return to capital, has actually reached historically high levels in this country. Second, however, the growth of wage inequality that began in the 1980's and persisted throughout the 1990's has prevented middle- and low-wage earners from achieving higher wages and has forced them to accept reductions in their real wages. In addition, of course, earnings have failed to keep up with inflation.

Mr. Speaker, I would suggest to you and the leadership of this House that if these trends continue, your make-believe revolution may prompt a real revolution and it will not be economic. Have a nice day.

IN SUPPORT OF THE TEAM ACT

(Mr. TALENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TALENT. Mr. Speaker, there has been an outstanding practice going on in American workplaces and it is picking up speed. It has been going on for the last 10 or 15 years. It is called employee involvement or TEAMS.

People know this kind of practice as quality circles or safety committees. They can be relatively formal or informal. Here's an example: Employees have a problem with scheduling, and the employer, instead of deciding these things unilaterally says to his supervisors, "Get together with some of the employees and figure out what you are going to do."

This TEAM concept has increased employee satisfaction and American productivity and competitiveness around the world. But unfortunately it is probably illegal under the National Labor Relations Act, because the NLRB thinks of TEAMS as company unions, according to a 60-year-old statute.

Mr. Speaker, we are going to have a chance to do something about that today with the TEAM Act. That is an act that will legalize the kind of employee involvement that is already going on in tens of thousands of workplaces around the country today. It is something that employees want. It will empower them and improve employee satisfaction and American competitiveness.

The bill specifically says company unions are still illegal. It does not apply in organized workplaces. The House ought to pass it today.

NO BUDGET, NO PAY

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, Speaker NEWT GINGRICH announced last week that if political gridlock in Washington results in closing down Federal services to our Nation, so be it.

The Speaker also went on to say that he, as the Speaker, is prepared to force America into a default on its debt for the first time in our history if he does not get his way.

Mr. Speaker, too many politicians on Capitol Hill are talking about a political train wreck as if we are playing with toy trains. A shutdown of Federal services is a serious matter. Members of Congress should take it seriously.

That is why I have introduced legislation that would cut off the paychecks of Members of Congress and the President if the Federal Government shuts down because of budgetary gridlock. No budget, no pay. If we do not finish the job, we do not get paid. It is just that simple.

We were sent to Washington to solve problems, to work together, to do things in a constructive way. Gridlock and train wrecks are politics as usual. If the political leaders in this town fail, the salaries of Congress and the President should be the first on the budget chopping block.

CONGRESS SHOULD LET EMPLOYEES SPEAK FOR THEMSELVES

(Mr. McKEON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKEON. Mr. Speaker, today the voices of the majority of American workers go unheard—not because American employers are oppressive, but because American law prohibits it. Under current labor law, employers and employees cannot work together to resolve important workplace issues that might involve terms and conditions of employment unless those employees are represented by a union.

While it is legal for an employer to have a meeting or hold a conference with employees to discuss ideas in the abstract, it is illegal for an employer to follow through on any actual workplace changes developed in consultation with the employees, unless those workers are represented by a union. The 88 percent of the private sector work force that is not unionized is, therefore, not allowed to discuss issues which affect the conditions of their employment.

The TEAM Act permits employee involvement in workplace decisionmaking. Companies want their employees to develop new methods and ideas for improving the workplace. It's about time we let employees speak for themselves.

Vote in favor of H.R. 743, the TEAM Act.

DEMOCRATS ON MEDICARE: POLITICS AS USUAL

(Mr. HOKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOKE. Mr. Speaker, it is true that politics does make strange bedfellows, and we find ourselves once more lying down with the Washington Post, not normally friend to Republicans. But the fact is that they set up an editorial 2 days ago with respect to the "Medigoguing," as they call it, of the Democrat leadership and Democratic Members of Congress.

Mr. Speaker, talking about the letter of minority leader DICK GEPHARDT, they say:

> The letter itself seems to tell us more of the same. It tells you just about everything the Democrats think about Medicare, except how to cut the cost. Medicare and Medicaid together are now a sixth of the budget and a fourth of all spending for other than interest and defense.
>
> If nothing is done, those shares are going to rise, particularly as the baby boomers begin to retire early in the next century. Republicans have nonetheless stepped up to the issue. They have taken a huge political risk just in calling for the cuts that they have.
>
> What the Democrats have done, in turn, is confirm the risk. The Republicans are going to take away your Medicare, they say. That is their only message. They have no plan. The Democrats have fabricated the Medicare tax cut connection because it is useful politically. We think it is wrong.

Mr. Speaker, we agree.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mrs. WALDHOLTZ. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole under the 5-minute rule.

Committee on Agriculture; Committee on Banking and Financial Services; Committee on Commerce; Committee on Economic and Educational Opportunities; Committee on International Relations; Committee on the Judiciary; Committee on Resources; Committee on Science; and Committee on Veterans' Affairs.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. EVERETT). Is there objection to the request of the gentlewoman from Utah?

There was no objection.

THE EXTENSION OF DEADLINE FOR INFORMATION RETRIEVAL SYSTEMS IMPLEMENTATION

Mr. SHAW. Mr. Speaker, I ask unanimous consent the immediate consideration of the bill (H.R. 2288) to amend part D of title IV of the Social Security Act to extend for 2 years the deadline by which States are required to have in effect an automated data processing and information retrieval system for use in the administration of State plans for child and spousal support.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. FORD. Mr. Speaker, reserving the right to object, I yield to the gentleman from Florida [Mr. SHAW] for the purposes of briefly explaining the bill.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding under his reservation.

H.R. 2288 simply gives States an additional 2 years to implement data processing requirements that Congress imposed on their child support programs in 1988. H.R. 2288 was approved on September 12, by unanimous voice vote of the Ways and Means Committee. According to CBO, the bill has no budget impact. As far as we have been able to determine, there are no Republicans or Democrats who oppose the bill.

Several factors have prevented States from meeting the October 1, 1995, deadline for meeting Federal data processing requirements. To date—less than a week before the deadline—only one State has actually finished its system.

So beginning October 1, if we don't take action, 49 States will be subject to financial penalties and mandatory correction procedures.

Clearly, if only one State can meet a deadline, something is wrong. That is why I rise to ask unanimous consent to extend this deadline for 2 years.

Mr. FORD. Mr. Speaker, further reserving the right to object, I rise in support of H.R. 2288, a bill to extend the deadline for State child support computer systems.

One of the most important reforms of the Family Support Act of 1988 was the mandated implementation of a statewide child support enforcement computer system by October 1, 1995. Without such a computer network, States cannot hope to effectively track and enforce child support obligations. In fact, back in the mid-1980's we frequently heard anecdotes about States keeping child support records in shoe boxes. It was no wonder that they had such a poor record of collecting child support.

In response, Congress mandated a statewide computer system, authorized extra Federal funding to develop these systems, and set what we thought was a reasonable timetable—October 1, 1995—for implementation of the system. Now, as the deadline approaches we are told that only one State—Montana—has met this requirement and that we cannot expect many more to comply in the next 6 months.

Are the States to blame for this failure? Only partially. The real culprit is the Bush administration—which waited 4 years after the legislation was signed into law to issue the specifications for this system. Until then, States simply did not know what standards the Federal Government would use to judge whether they met the requirements. In dragging its feet, the Bush administration was both irresponsible and wasteful of our scarce resources.

So, here we are. It's a few days before the deadline and the Republican majority has finally brought to the floor a bill to extend it. I have no doubts about the Senate acting quickly enough on this measure for it to be signed into law by October 1. We have a chance to do the right thing. I urge my colleagues to support H.R. 2288.

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Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. EVERETT). Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 2-YEAR EXTENSION OF AUTOMATION DEADLINE.

(a) IN GENERAL.—Section 454(24) of the Social Security Act (42 U.S.C. 654(24)) is amended by striking "1995" and inserting "1997".

(b) TECHNICAL AMENDMENTS RELATED TO THE REPEAL OF FEDERAL FUNDING.—Section 452 of such Act (42 U.S.C. 652) is amended in each of subsections (d)(1)(B), (d)(2)(A), (d)(2)(B), and (e), by striking "455(a)(1)(B)" and inserting "454(16)"

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TRUTH IN LENDING ACT AMENDMENTS OF 1995

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be discharged from further consideration of the bill (H.R. 2399) to amend the Truth in Lending Act to clarify the intent of such Act and to reduce burdensome regulatory requirements on creditors, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the bill, as follows:

H.R. 2399

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Truth in Lending Act Amendments of 1995"

SEC. 2. CERTAIN CHARGES.

(a) THIRD PARTY FEES.—Section 106(a) of the Truth in Lending Act (15 U.S.C. 1605(a)) is amended by adding after the 2d sentence the following new sentence: "The finance charge shall not include fees and amounts imposed by third party closing agents (including settlement agents, attorneys, and escrow and title companies) if the creditor does not require the imposition of the charges or the services provided and does not retain the charges.".

(b) BORROWER-PAID MORTGAGE BROKER FEES.—

(1) INCLUSION IN FINANCE CHARGE.—Section 106(a) of the Truth in Lending Act (15 U.S.C. 1605(a)) is amended by adding at the end the following new paragraph:

"(6) Borrower-paid mortgage broker fees, including fees paid directly to the broker or the lender (for delivery to the broker) whether such fees are paid in cash or financed."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the earlier of—

(A) 60 days after the date on which the Board of Governors of the Federal Reserve System issues final regulations under paragraph (3); or

(B) the date that is 12 months after the date of the enactment of this Act.

(3) REGULATIONS IMPLEMENTING BORROWER-PAID MORTGAGE BROKER FEES.—The Board of Governors of the Federal Reserve System shall promulgate regulations implementing the amendment made by paragraph (1) by no later than 6 months after the date of the enactment of this Act.

(c) TAXES ON SECURITY INSTRUMENTS OR EVIDENCES OF INDEBTEDNESS.—Section 106(d) of the Truth in Lending Act (15 U.S.C. 1605(d)) is amended by adding at the end the following new paragraph:

"(3) Any tax levied on security instruments or on documents evidencing indebtedness if the payment of such taxes is a precondition for recording the instrument securing the evidence of indebtedness.".

(d) PREPARATION OF LOAN DOCUMENTS.—Section 106(e)(2) of the Truth in Lending Act (15 U.S.C. 1605(e)(2)) is amended to read as follows:

"(2) Fees for preparation of loan-related documents.".

(e) FEES RELATING TO PEST INFESTATIONS, INSPECTIONS, AND HAZARDS.—Section 106(e)(5) of the Truth in Lending Act (15 U.S.C. 1605(e)(5)) is amended by inserting ", including fees related to any pest infestation or flood hazard inspections conducted prior to closing" before the period.

(f) ENSURING FINANCE CHARGES REFLECT COST OF CREDIT.—

(1) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Board of Governors of the Federal Reserve System shall submit to the Congress a report containing recommendations on any regulatory or statutory changes necessary—

(i) to ensure that finance charges imposed in connection with consumer credit transactions more accurately reflect the cost of providing credit; and

(ii) to address abusive refinancing practices engaged in for the purpose of avoiding rescission.

(B) REPORT REQUIREMENTS.—In preparing the report under this paragraph, the Board shall—

(i) consider the extent to which it is feasible to include in finance charges all charges payable directly or indirectly by the consumer to whom credit is extended, and imposed directly or indirectly by the creditor as an incident to the extension of credit (especially those charges excluded from finance charges under section 106 of the Truth in Lending Act as of the date of the enactment of this Act), excepting only those charges which are payable in a comparable cash transaction; and

(ii) consult with and consider the views of affected industries and consumer groups.

(2) REGULATIONS.—The Board of Governors of the Federal Reserve System shall prescribe any appropriate regulation in order to effect any change included in the report under paragraph (1), and shall publish the regulation in the Federal Register before the end of the 1-year period beginning on the date of enactment of this Act.

SEC. 3. TOLERANCES; BASIS OF DISCLOSURES.

(a) TOLERANCES FOR ACCURACY.—Section 106 of the Truth in Lending Act (15 U.S.C. 1605) is amended by adding at the end the following new subsection:

"(f) TOLERANCES FOR ACCURACY.—In connection with credit transactions not under an open end credit plan that are secured by real property or a dwelling, the disclosure of the finance charge and other disclosures affected by any finance charge—

"(1) shall be treated as being accurate for purposes of this title if the amount disclosed as the finance charge—

"(A) does not vary from the actual finance charge by more than $100; or

"(B) is greater than the amount required to be disclosed under this title; and

"(2) shall be treated as being accurate for purposes of section 125 if—

"(A) except as provided in subparagraph (B), the amount disclosed as the finance charge does not vary from the actual finance charge by more than an amount equal to one-half of one percent of the total amount of credit extended; or

"(B) in the case of a transaction, other than a mortgage referred to in section 103(aa), which—

"(i) is a refinancing of the principal balance then due and any accrued and unpaid finance charges of a residential mortgage transaction as defined in section 103(w), or is any subsequent refinancing of such a transaction; and

"(ii) does not provide any new consolidation or new advance;

if the amount disclosed as the finance charge does not vary from the actual finance charge by more than an amount equal to one percent of the total amount of credit extended.".

(b) BASIS OF DISCLOSURE FOR PER DIEM INTEREST.—Section 121(c) of the Truth in Lending Act (15 U.S.C. 1631(c)) is amended by adding at the end the following new sentence: "In the case of any consumer credit transaction a portion of the interest on which is determined on a per diem basis and is to be collected upon the consummation of such transaction, any disclosure with respect to such portion of interest shall be deemed to be accurate for purposes of this title if the disclosure is based on information actually known to the creditor at the time that the disclosure documents are being prepared for the consummation of the transaction.".

SEC. 4. LIMITATION ON LIABILITY.

(a) IN GENERAL.—Chapter 2 of the Truth in Lending Act (15 U.S.C. 1631 et seq.) is amended by adding at the end the following new section:

"SEC. 139. CERTAIN LIMITATIONS ON LIABILITY.

"(a) LIMITATIONS ON LIABILITY.—For any consumer credit transaction subject to this title that is consummated before the date of the enactment of the Truth in Lending Act Amendments of 1995, a creditor or any assignee of a creditor shall have no civil, administrative, or criminal liability under this title for, and a consumer shall have no extended rescission rights under section 125(f) with respect to—

"(1) the creditor's treatment, for disclosure purposes, of—

"(A) taxes described in section 106(d)(3);

"(B) fees described in section 106(e)(2) and (5);

"(C) fees and amounts referred to in the 3rd sentence of section 106(a); or

"(D) borrower-paid mortgage broker fees referred to in section 106(a)(6);

"(2) the form of written notice used by the creditor to inform the obligor of the rights of the obligor under section 125 if the creditor provided the obligor with a properly dated form of written notice published and adopted by the Board or a comparable written notice, and otherwise complied with all the requirements of this section regarding notice; or

"(3) any disclosure relating to the finance charge imposed with respect to the transaction if the amount or percentage actually disclosed—

"(A) may be treated as accurate for purposes of this title if the amount disclosed as the finance charge does not vary from the actual finance charge by more than $200;

"(B) may, under section 106(f)(2), be treated as accurate for purposes of section 125; or

"(C) is greater than the amount or percentage required to be disclosed under this title.

"(b) EXCEPTIONS.—Subsection (a) shall not apply to—

"(1) any individual action or counterclaim brought under this title which was filed before June 1, 1995;

"(2) any class action brought under this title for which a final order certifying a class was entered before January 1, 1995;

"(3) the named individual plaintiffs in any class action brought under this title which was filed before June 1, 1995; or

"(4) any consumer credit transaction with respect to which a timely notice of rescission was sent to the creditor before June 1, 1995.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 2 of the Truth in Lending Act is amended by inserting after the item relating to section 138 the following new item:

"139. Certain limitations on liability."

SEC. 5. LIMITATION ON RESCISSION LIABILITY.

Section 125 of the Truth in Lending Act (15 U.S.C. 1635) is further amended by adding at the end the following new subsection:

"(h) LIMITATION ON RESCISSION.—An obligor shall have no rescission rights arising solely from the form of written notice used by the creditor to inform the obligor of the rights of the obligor under this section, if the creditor provided the obligor the appropriate form of written notice published and adopted by the Board, or a comparable written notice of the rights of the obligor, that was properly completed by the creditor, and otherwise complied with all other requirements of this section regarding notice.".

SEC. 6. CALCULATION OF DAMAGES.

Section 130(a)(2)(A) of the Truth in Lending Act (15 U.S.C. 1640(a)(2)(A)) is amended—

(1) by striking "or (ii)" and inserting "(ii)"; and

(2) by inserting before the semicolon at the end the following: ", or (iii) in the case of an individual action relating to a credit transaction not under an open end credit plan that is secured by real property or a dwelling, not less than $200 or greater than $2,000".

SEC. 7. ASSIGNEE LIABILITY.

(a) VIOLATIONS APPARENT ON THE FACE OF TRANSACTION DOCUMENTS.—Section 131 of the Truth in Lending Act (15 U.S.C. 1641) is amended by adding at the end the following new subsection:

"(e) LIABILITY OF ASSIGNEE FOR CONSUMER CREDIT TRANSACTIONS SECURED BY REAL PROPERTY.—

"(1) IN GENERAL.—Except as otherwise specifically provided in this title, any civil action against a creditor for a violation of this title, and any proceeding under section 108 against a creditor, with respect to a consumer credit transaction secured by real property may be maintained against any assignee of such creditor only if—

"(A) the violation for which such action or proceeding is brought is apparent on the face of the disclosure statement provided in connection with such transaction pursuant to this title; and

"(B) the assignment to the assignee was voluntary.

"(2) VIOLATION APPARENT ON THE FACE OF THE DISCLOSURE DESCRIBED.—For the purpose of this section, a violation is apparent on the face of the disclosure statement if—

"(A) the disclosure can be determined to be incomplete or inaccurate by a comparison among the disclosure statement, any itemization of the amount financed, the note, or any other disclosure of disbursement; or

"(B) the disclosure statement does not use the terms or format required to be used by this title.".

(b) SERVICER NOT TREATED AS ASSIGNEE.—Section 131 of the Truth in Lending Act (15 U.S.C. 1641) is further amended by adding after subsection (e) (as added by subsection (a) of this section) the following new subsection:

"(f) TREATMENT OF SERVICER.—

"(1) IN GENERAL.—A servicer of a consumer obligation arising from a consumer credit transaction shall not be treated as an assignee of such obligation for purposes of this section unless the servicer is or was the owner of the obligation.

"(2) SERVICER NOT TREATED AS OWNER ON BASIS OF ASSIGNMENT FOR ADMINISTRATIVE CONVENIENCE.—A servicer of a consumer obligation arising from a consumer credit transaction shall not be treated as the owner of the obligation for purposes of this section on the basis of an assignment of the obligation from the creditor or another assignee to the servicer solely for the administrative convenience of the servicer in servicing the obligation. Upon written request by the obligor, the servicer shall provide the obligor, to the best knowledge of the servicer, with the name, address, and telephone number of the owner of the obligation or the master servicer of the obligation.

"(3) SERVICER DEFINED.—For purposes of this subsection, the term 'servicer' has the same meaning as in section 6(i)(2) of the Real Estate Settlement Procedures Act of 1974.

"(4) APPLICABILITY.—This subsection shall apply to all consumer credit transactions in existence or consummated on or after the date of the enactment of the Truth in Lending Act Amendments of 1995.".

SEC. 8. RESCISSION RIGHTS IN FORECLOSURE.

Section 125 of the Truth in Lending Act (15 U.S.C. 1635) is amended by inserting after subsection (h) (as added by section 5 of this Act) the following new subsection:

"(i) RESCISSION RIGHTS IN FORECLOSURE.—

"(1) IN GENERAL.—Notwithstanding section 139, and subject to the time period provided in subsection (f), in addition to any other right of rescission available under this section for a transaction, after the initiation of any judicial or nonjudicial foreclosure process on the primary dwelling of an obligor securing an extension of credit, the obligor shall have a right to rescind the transaction equivalent to other rescission rights provided by this section, if—

"(A) a mortgage broker fee is not included in the finance charge in accordance with the laws and regulations in effect at the time the consumer credit transaction was consummated; or

"(B) the form of notice of rescission for the transaction is not the appropriate form of written notice published and adopted by the Board or a comparable written notice, and otherwise complied with all the requirements of this section regarding notice.

"(2) TOLERANCE FOR DISCLOSURES.—Notwithstanding section 106(f), and subject to the time period provided in subsection (f), for the purposes of exercising any rescission rights after the initiation of any judicial or nonjudicial foreclosure process on the principal dwelling of the obligor securing an extension of credit, the disclosure of the finance charge and other disclosures affected by any finance charge shall be treated as being accurate for purposes of this section if the amount disclosed as the finance charge does not vary from the actual finance charge by more than $35 or is greater than the amount required to be disclosed under this title.

"(3) RIGHT OF RECOUPMENT UNDER STATE LAW.—Nothing in this subsection affects a consumer's right of rescission in recoupment under State law.

"(4) APPLICABILITY.—This subsection shall apply to all consumer credit transactions in existence or consummated on or after the date of the enactment of the Truth in Lending Act Amendments of 1995.".

The SPEAKER pro tempore. The gentleman from Iowa [Mr. LEACH] is recognized for 1 hour.

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Florida [Mr. MCCOLLUM] for his hard work on this bill. This bill is a testament to his judgment and stick-to-itiveness. I would also like to thank the ranking member, the gentleman from Texas [Mr. GONZALEZ], and the ranking member of the financial institutions subcommittee, the gentleman from Minnesota [Mr. VENTO], who is also the original cosponsor of the provisions included in the regulatory relief bill for all of his efforts in resolving this matter.

This bill was considered as one section of the regulatory burden relief bill that was reported favorably out of the Committee on Banking and Financial Services this past June. The reason for moving this section independently from the regulatory burden relief bill is that the moratorium on class action lawsuits which was passed earlier this Congress (H.R. 1380) expires on October 1, 1995.

In committee consideration the provisions of this bill received widespread support on both sides of the aisle. In addition, in an inverted process manner, extensive negotiations have taken place with the other body and several modifications to the House Banking Committee product have been made.

This bill addresses certain changes to the Truth in Lending Act due to the flood of class action lawsuits that followed the decision in Rodash versus AIB Mortgage Co. This relief is necessary because of the ambiguity surrounding the proper treatment of a number of fees under current law and the extremely low tolerance for lender flexibility in fee disclosure. For example, in the Rodash case the court held that a $22 courier fee is a finance charge under the Truth in Lending Act. Because the creditor had treated the courier fee as part of the amount financed instead of as a finance charge, the court held that the lender disclosures violated the law. And because the courts have held that a loan is rescindable under the Truth in Lending Act for even minor disclosure variance, the borrower has the right to rescind up to 3 years from consummation of the loan.

Hence, numerous class action lawsuits have been filed in the wake of the Rodash decision, which exposes the mortgage industry to extraordinary liability that may threaten the solvency of the industry. Here let me stress that this issue is not a matter of nondisclosure or industry efforts to mischievously mislead borrowers. All fees

were disclosed to the consumer in these cases. The issue is whether the fees were categorized in one particular way under one particular statute. The problem is that an honest mistake of no consequence to any of the parties involved has become the subject of shark instincts of the plaintiff's bar.

This Congress, above all institutions in society, has an obligation to respect and advance the rule of law. As a general benchmark, caution should be applied to changing law in such a manner as to affect existent litigation. But I know of few instances of litigious which reflect more the unnecessarily litigious nature of America at this time. Sometimes a litigant may be right on a small point, but desperately wrong in the big perspective. That is the case here. The bar that has brought this class action effort should be chastised, not rewarded. Out of common sense this Congress must act.

Again, I would like to commend the Members who worked on this time-sensitive legislation.

Mr. Speaker, I yield to the gentleman from Texas [Mr. GONZALEZ], the distinguished ranking member of the full committee.

Mr. GONZALEZ. Mr. Speaker, I commend the authors of this legislation, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Minnesota [Mr. VENTO] for their efforts to give the mortgage industry relief without unduly trampling important consumer rights, which is always a difficult project.

I also want to compliment the bipartisan manner in which this compromise was achieved. This process should serve as a model for other legislation, moving through the Committee on Banking and Financial Services and the House as well. Where there is a will on both sides, a consensus can always emerge.

Second, I want to emphasize that this bill is a compromise. It is not a perfect product, but it does address a legitimate concern of the mortgage banking industry about the Truth in Lending Act. In crafting this legislation, pains were taken to ensure that important consumer safeguards were not dismantled. The right of rescission is an extraordinary right that TILA provides for consumers to safeguard their homes. I am pleased that this right was largely preserved and that the consumer will be able to rescind loans where the lender has made an egregious error or in particular circumstances against foreclosure.

I am also heartened that consumers will retain the so-called cooling-off period after refinancing their homes. With this right, consumers can walk away from a bad deal within 3 days.

Mrs. ROUKEMA. Mr. Speaker, I rise today in strong support of this legislation. H.R. 2399 addresses the needed changes to the Truth in Lending Act [TILA] required by the recent court decisions and the unintended exposures for the mortgage industry created by technical violations, without affecting the protections afforded to consumers that the TILA was originally intended to provide. The TILA has become a weapon used against mortgage lenders without justification. Complying with overly complex and often unclear disclosure rules has become overly burdensome and potential liability is a cause of concern. Equally important, such use of this regulation provides no real benefit to consumers, but only results in inefficiency and increased costs.

Specifically, this legislation addresses the eleventh circuit's decision in Rodash versus AIB Mortgage Co., a case involving the Truth in Lending Act [TILA]. The TILA requires lenders to disclose credit terms to borrows in a manner that allows them to objectively compare various credit products. For example, the Truth in Lending Act requires lenders to characterize certain charges associated with a loan as finance charges and requires them to aggregate all such charges into one finance charge to be disclosed at closing. The TILA allows borrowers to rescind transactions even for technical violations of the disclosure provisions of the statute.

On March 21, 1994, the U.S. Court of Appeals for the Eleventh Circuit in Rodash versus AIB, ruled that certain taxes and fees—example, a $20 Federal Express delivery charge—must be characterized as finance charges under the Truth in Lending Act, including some fees that are assessed by third parties other than the lender.

As a result of these technical violations of the Truth in Lending Act, borrowers are able to rescind their mortgages. When a mortgage is rescinded, the borrower is released from the mortgage lien leaving the lender with an unsecured loan, and the borrower is entitled to repayment of interest and all other payments made on the loan.

The eleventh circuit's ruling has sparked numerous class action lawsuits against lenders who have not characterized or disclosed such taxes and fees as finance charges in the past. It is argued that Rodash could have disastrous consequences for both originators of mortgage loans and the secondary market. The potential cost of rescinding all refinanced mortgages made in the last 3 years—the time allowed under the Truth in Lending Act to exercise the rescission right—has been estimated to be as high as $217 billion.

On April 4, 1995, with bipartisan support, the House under a suspension of the rules passed H.R. 1380, the Truth in Lending Class Action Relief Act of 1995. The Senate passed H.R. 1380 by unanimous consent on April 24, 1995. H.R. 1380 imposes a moratorium until October 1, 1995, on certain TILA class action certifications, including Rodash-styled class actions brought in connection with first liens on real property or dwellings that constitute a refinancing or consolidation of a debt.

This legislation that we are considering here today addresses the Rodash problem by exempting a number of charges from inclusion in the finance charge and provides a tiered tolerance approach on finance charge miscalculations. The bill does not extend any exemptions from the right of rescission. This legislation provides retroactive relief from liability for certain nondisclosures. The bill also contains limitations on the liability of assignees and services of home mortgages.

The moratorium expires on October 1, and the Congress must make the needed changes to the Truth in Lending Act.

Mr. MCCOLLUM. Mr. Speaker, the Truth in Lending Act Amendments of 1995 will finally bring an end to the massive potential liability facing the mortgage industry as a result of extraordinary penalties under the Truth in Lending Act [TILA] for technical errors. Recognizing the threat to mortgage lending, we placed a moratorium on class actions for certain technical violations under TILA to give us an opportunity to develop a solution. The Truth in Lending Act Amendments of 1995 provide that solution.

The provisions of the Truth in Lending Act Amendments of 1995, H.R. 2399, were originally reported out of the House Banking Committee as part of the Financial Institutions Regulatory Reform Act of 1995, H.R. 1858. The provisions of H.R. 1858 were explained in House Report 104–193. A number of changes, which are described below, have been made to the provisions.

This bill does a number of important things.

First, it provides retroactive relief to the mortgage industry from the extreme potential liability that was caused by the Rodash versus AIB Mortgage Co. case. This problems, which seriously threatened the viability of residential mortgage lending in this country including the mortgage-backed securities markets, was caused by the ambiguity surrounding the proper treatment of certain charges, and the extremely low tolerance for any error in making disclosures. The current treatment of fees, such as mortgage broker fees, is very ambiguous under current law. Section 106(a) of TILA has been revised to clarify prospectively that the inclusion of mortgage broker fees in the finance charge extends only to borrower paid fees, regardless of whether such fees are paid by the borrower directly to the broker or to the lender for delivery to broker, or whether such fees are paid in cash or financed. Lender paid broker fees, including yield spread premiums and service release fees, will continue to be excluded from the finance charge. It is not fair to subject lenders to extreme penalities for their treatment of these fees—which some are now trying to recharacterize as finder's fees—when the rules were not clear. With this legislation, lenders will now be able to get on with the business of making loans.

Second, on a going forward basis, the bill clarifies the treatment of specific charges such as intangible taxes and courier fees. Costs such as these that are incurred by settlement agents and are passed on to consumers, which are not in fact required by the creditor—whether the creditor has any knowledge of such charges—and are not retained by the creditor are intended to be excluded from the finance charge. This clarification gives creditors greater certainty and provides consumers with more accurate disclosures through uniform treatment of charges. The Federal Reserve is also directed to review the finance charge disclosure and make recommendations to make it more accurately reflect the cost of credit and eliminate any abusive practices that have developed.

Third, recognizing the highly technical nature of the Truth in Lending Act, the bill raises

the tolerance level for understated disclosures, going forward, from $10 to $100 for civil liability purposes. Regarding the tolerance related to the award of statutory damages under section 130 of the act, the finance charge will be considered accurate on a prospective basis if the disclosed amount is within $100 of the actual amount; the accuracy tolerance for civil liability on past transaction is set at $200. Overstatements continue to be allowed without imposing liability. For errors which can lead to rescission of the loan, which is a much more extreme penalty, the tolerance is one-half of 1 percent of the loan amount. However, for certain refinance loans where the refinancing borrower did not receive additional new advances from the creditor, as addressed in House Report 104–193 at page 197, the tolerance is 1 percent of the loan amount. In accordance with current Federal Reserve regulations, money to finance the closing costs of the transaction do not constitute new money.

Fourth, the bill clarifies that loan servicers are not assignees for purposes of truth in lending liability if they only own legal title for servicing purposes.

Fifth, the bill raises the statutory damages for individual actions from $1,000 to $2,000. Section 130(a) of TILA allows a consumer to recover both actual and statutory damages in connection with TILA violations. However, statutory damages are provided in TILA because actual damages, which require proof that the borrower suffered a loss in reliance upon the inaccurate disclosure, are extremely difficult to establish. To recover actual damages, consumers must show that they suffered a loss because they relied on an inaccurate or incomplete disclosure. A number of lawsuits have been filed in which plaintiffs have claims as actual damages the amount of the fees or charges that have been misdisclosed. This is not the meaning of actual damages. The proper meaning of damages is discussed in *Adiel* v. *Chase Federal Savings & Loan Association*, 630 F. Supp. 131 (S.D. Fla. 1986), aff'd 810 F.2d 1051 (11th Cir. 1987).

Sixth, the bill preserves the consumer's 3-day rescission period for all refinance loans with different creditors. As currently set forth in the Truth in Lending Act, this cooling off period expires absolutely in 3 years, after consummation of the transaction or the consumer's sale of the property in cases where the TILA disclosures contained an error in a material disclosure or were not provided to the consumer. Contrary to some court decisions which have allowed this rescission period to extend for as long as 8 years after the loan was closed in the context of recoupment, the existing statutory language is clear, 3-years means 3 years and the time period shall not be extended except as explicitly provided in section 125(f). Section 8 of the bill, which deals with rescission in the context of recoupment, cross-references the 3 year limit set forth in section 125(f).

Moreover, as is currently set forth in the Federal Reserve regulations, when a borrower refinances an existing loan and takes out new money, only the new money is subject to rescission.

I am very proud to have achieved this legislation, which has support from both sides of the aisle, to rectify a serious problem, and preserve meaningful consumer disclosures in the future.

Mr. LEACH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2399, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 743, TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

Mrs. WALDHOLTZ. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 226 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 226

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes. The first reading of the bill shall dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(2)(B) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Economic and Educational Opportunities. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Economic and Educational Opportunities now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Utah [Mrs. WALDHOLTZ] is recognized for 1 hour.

Mrs. WALDHOLTZ. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 226 is an open rule, providing for consideration of H.R. 743, the Teamwork for Employees and Managers Act of 1995. The resolution provides for 1 hour of general debate, to be equally divided between the chairman and ranking minority member of the Committee on Economic and Educational Opportunities. The rule makes in order the committee amendment in the nature of a substitute as an original bill for purpose of amendment, with each section considered as read. Further, the rule authorizes the Chair to give priority recognition to members who have had their amendment preprinted in the CONGRESSIONAL RECORD, and the rule provides one motion to recommit, with or without instructions.

The rule also waives clause 2(l)(2)(B) of rule XI, which requires the publication of rollcall votes in committee reports. The Economic and Educational Opportunities Report 104–248 on H.R. 743 contains incorrect information on rollcall votes due to typographical errors during the printing process. The votes were correctly reported in the original report filed with the Clerk. However, a star print—report No. 99–006—has been issued which contains the correct rollcall information.

Mr. Speaker, the workplace model used to craft labor laws of the early 20th century no longer meet the needs and reality of the current marketplace and employer-employee relations. The TEAM Act recognizes that the most effective workplaces are those where employees and employers cooperatively work together, and makes the necessary changes to our labor laws to allow this new workplace dynamic to flourish.

The TEAM Act will help to promote greater employee involvement in the workplace by clarifying that it is not impermissible for an employer to establish or participate in any organization in which employees are involved

to address workplace issues such as quality, productivity, and efficiency. These organizations will not have the authority to enter into or negotiate collective-bargaining agreements—all of those rights remain unchanged. The act also specifies that unionized workplaces will not be affected.

Greater employee involvement in the workplace has proven to be an effective tool to increase the job satisfaction each employee derives from the workplace, and brings greater value to the production process. The TEAM Act recognizes that employers and employees can work together based on cooperation, not confrontation.

Mr. Speaker, I urge my colleagues to support the rule for consideration of H.R. 743. This open rule provides for fair debate of the bill and permits Members to offer amendments for consideration by the full House.

Mr. Speaker, I include for the RECORD the following statistical information from the Committee on Rules establishing for the RECORD the openness of the rules process in the 104th Congress:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of September 26, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	50	75
Modified Closed[3]	49	47	15	22
Closed[4]	9	9	2	3
Totals:	104	100	67	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 26, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of September 26, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mrs. WALDHOLTZ. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to H.R. 743 and to rule which provides for its consideration. This bill is nothing more than a thinly disguised attempt to return to the old days of company unions. Supporters of this bill represent it as a means of empowering employees in the 21st century workplace. But, I submit Mr. Speaker, that rather than looking forward, this bill represents a return to the early 20th century when employers controlled both sides of a bargaining table, if indeed such a table existed.

Mr. Speaker, this legislation effectively repeals a worker protection that has been in place for 60 years. In 1935, when the Wagner Act was enacted, the Congress chose to extend a guarantee of a fundamental principle of democracy to the workplace. That principle, in essence, is the freedom of association, the right of employees to choose their own independent representative to negotiate with an employer over wages, hours, or conditions of employment. Common sense and decency demand no less for the working men and women in this country, most especially as we enter the 21st century.

This democratic principle should serve as a moral compass as we, as a Nation, negotiate our place in the global economy. If we are indeed the greatest democratic Nation in the history of the planet, then how can we deny such a fundamental principle of democracy to our own workers, for are they not the backbone of our country and all it stands for?

Proponents of this legislation claim that in order for business to compete in the new century that new efficiencies must be implemented in the workplace, by establishing work teams or labor-management cooperation programs. They claim section 8(a)(2) precludes such labor-management association. But I would beg to differ. Mr. Speaker, innovations such as employee work teams are already flourishing in the shops, businesses, and factories of this country, in spite of the existence of section 8(a)(2).

In fact, the NLRB has already held, in General Foods, that the employer has the right to set up a method of production which delegated significant managerial responsibilities to employee work teams. And, in the Electromation case, the very case the proponents cite as a powerful example of the need for this change in the law, the court of appeals held that section 8(a)(2) does not foreclose appropriate employee involvement which focused solely on increasing company productivity, efficiency, and quality control.

If one examines the law, one can see that section 8(a)(2) does not prohibit employee involvement, it merely distinguishes between legitimate and illegitimate activity. Section 8(a)(2) prohibits only one form of employee involvement: The employee program which is dominated by the employer and which deals with employees' wages or other terms or conditions of employment. Section 8(a)(2) merely seeks to assure workers that they will have the right to determine who speaks for them and who will ultimately be responsible to them.

Mr. Speaker, if issues were left open by the Electromation case, then let us address those specific issues. If there was a chilling effect on existing employee involvement programs, then let us fix that problem. But H.R. 743 is not a fix: It is, instead, a fundamental change in the rights of working men and women. And it is a change that is unfair and unreasonable and I urge defeat of the bill.

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Mrs. WALDHOLTZ. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Speaker, I thank my colleague for yielding me this time.

Mr. Speaker, this rule should be adopted and we should move swiftly to enact the TEAM Act, because it is necessary for us to do that to enable modern business practices to be continued and expanded here in the United States.

We have come a long way since the World War I Henry Ford-style mass production, where you do what you are told and you show up. Henry Ford used to say "The only trouble I have with employees is that I am hiring their mind along with their hands." He just wanted people who would do what they were told and be as productive as possible and not bring all of their abilities to building quality into their product.

We have come a long way from that. To have a sophisticated modern economy, we need to involve employees' abilities as fully as possible in the workplace and in the enterprise in which they are active.

I had a meeting some years ago when we were worried about the Japanese threat, and one of the Japanese businessmen who was there said "Well, you know, we are going to beat you every time in the marketplace." I asked "Why is that?" He said "Because when we compete with an American corporation with 10,000 employees, we are only competing really with 10 or 15 brains. The rest are just doing what they are told. I have 5,000 Japanese employees, and all of their brains are actively working to maximize our quality and our cost effectiveness in the workplace."

We have changed that here in America. We have got to keep on changing that through employee involvement, employee circles, working to give everyone a greater say in how their jobs are operated and in the goods that they produce and the quality that is built into them. That is what employee involvement is all about.

Unfortunately, under some outdated—in this new world—labor legislation passed in other times, courts have held that employee involvement practices violate legal standards. For example, here is a case of the Donnelly Corp., whose employee involvement program really resulted in a classic catch-22 situation and would be in violation of law if we fail to pass the TEAM Act.

That company had a program which was lauded by the U.S. Department of Labor for its innovations in worker-management relations. But, ironically, as a result of Donnelly's testimony before the Dunlop Commission on the future of worker-management relations as they worked to try to improve our competitiveness and the fulfilling nature of employment in our country, their program is regarded as in jeopardy.

The National Labor Relations Board is challenging the program of the Donnelly Corp. as a violation of section 8(a)(2) of the National Labor Relations Act. Donnelly's program, as I said, was praised for its reliance on the principle that workers, when given the opportunity, make an invaluable contribution to the success of their companies. They do not have to be told what to do. They can decide for themselves. The development of the Donnelly program was directly intended to empower employees and push decisionmaking authority down to the shop floor. Unfortunately, a single labor law professor who heard their innovative story decided to punish them and their employer for the sake of preserving the 1930 style of collective bargaining.

So the TEAM Act would ensure that proceedings like that now involving

the Donnelly Corp. before the National Labor Relations Board could not be brought because it would clarify the law and make it clear that employee involvement would not violate section 8(a)(2) of the National Labor Relations Act.

For that reason I would urge adoption of this rule and the passage of the TEAM Act.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Speaker, I rise to oppose this rule on H.R. 743, the so-called TEAM Act. This bill would be a flagrant violation of the rights of workers and is in absolute disregard of the democratic values of this country.

Sixty years ago, this Nation enacted laws to protect its workers by ensuring their right to have an independent voice in the conditions of their workplaces. Workers were permitted and guaranteed by law the right to have a separate negotiating body on which they could rely in effectively representing their interests. As a result of the efforts of these organized employee representative bodies, or unions, for the first time substantial protection of workers' rights were achieved in this country, and many unfair labor practices and unsafe working environments were addressed and improved, not to mention improvements in wages and hours.

This bill, however, ironically in the name of teamwork, would rob workers of that independent voice and thwart organizing efforts, leaving employees vulnerable to abuse by employers. This bill would give the management under certain circumstances the exclusive authority to set conditions of employment, wages and hours, sole authority to deal with labor disputes and grievances under certain circumstances, authority to select and appoint members of workplace teams, and the authority in some cases to set the agenda and even terminate employees at will. By dictating to workers who will represent them in discussions concerning the conditions of their workplaces, it strips workers of their basic rights to organize and to be represented independently. This kind of so-called cooperation between employees and employers would put workers in the most compromising position, in effect back where they were before the passage of the National Labor Relations Act in 1935.

This bill is not about teamwork. What it really is about is employer domination and destruction of the rights of workers. This bill fosters the exploitation of workers and denies them a democratic voice in their workplace. The so-called TEAM Act is destructive of the democratic progress this Nation has made, as have been so many of the Republican bills that have come to this floor in this session.

For the sake of fairness and for the preservation of the basic rights of workers, I urge my colleagues to oppose this very reactionary and very misguided legislation.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I rise in strong support of H.R. 743, the TEAM Act. Today, an employer who works together with employees to improve work safety, boost productivity or address employee morale, is violating the law. I have got union groups in my particular district. Labor works with management, management works with labor, and it is as it should be. But in all circumstances it does not work that smooth. As a matter of fact, these individuals sit down and they plan the goals, plan how much work is to be done, and the group, labor and management, actually sits down and determines if they want to shut down because they cannot reach their goal or if it is good for business, because they are smart enough to realize it is better to be working than not working, and they work very closely together.

But for management to be able to sit down with workers and organize as far as what is good for that company and be in violation of the law, it is just not good common sense.

Mr. Speaker, the labor unions represent less than 12 percent of the work force in this country. The rest of the work force, over 82 percent, is made up of small and large business in private industry, and the opposite side of the aisle say they constantly represent the worker. If that was the case, they would represent 82 percent of the private enterprise and the unions. But that is not the direction they want to go.

The TEAM Act says simply that an employer can work with employees, period. It does not permit illegal employer unions. It does not affect union shops at all. It does not intrude on collective bargaining. It simply allows employers and employees to work together. That is good common sense. Unfortunately, that does not exist in this body many times.

The TEAM Act has a broad range of support, because happy employees who are involved in their work are unlikely to join labor unions and pay union dues. The TEAM Act is opposed, of course, by organized labor.

Vote "yes" on the TEAM Act and oppose weakening amendments and support a strong labor force, both private and union.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Speaker, the Teamwork for Employers and Managers Act is a euphemism. It perverts the notion that labor and management are on the same team, when only the management gets to call the plays.

In my State of Rhode Island, we would call this bill the Waybosset bill. If anybody has even been to Providence, RI, and driven down Waybosset Street, they would know that I mean. it is a one-way street.

That is what we are calling for in this bill, the TEAM Act. It is saying management can choose who they are going to bargain with. That does not sound fair to me. That perverts the whole idea of bargaining. How is labor going to have representation at the table if they cannot even choose their own representatives? This bill says that management is going to decide who represents labor.

My colleagues, just think of what we have already done this session. The Republicans have dismantled OSHA. They have also said that when it comes to worker health and safety, that is voluntary. That is like saying stoplights should be voluntary. How often do you think a manager is going to go into their own workplace and say "This is unsafe for the workers," when in essence they would be criticizing themselves? Managers do not even have to keep track of or records now of their own inspections.

Mr. Speaker, no one should be fooled by the rhetoric here. This TEAM Act is a euphemism. It is nothing more than a one-way street for management to call the plays and expect labor to run their own plays.

Mr. Speaker, I urge my colleagues to reject the TEAM Act.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I will agree with one thing my colleague just said, that we ought not to believe the rhetoric that people are saying about this bill. Let me describe what the bill does and why we need it. One of the really important developments, Mr. Speaker, of the last 10 to 15 years in particular has been the development of something called employee involvement or employee teams. There are millions of Americans familiar with it because they are participating in them.

These are a very flexible, diverse kind of way to get employees involved in making decisions which otherwise would have to be made entirely by management. It can cover everything from scheduling decisions to safety to productivity. It can be as formal as a regular safety committee, or as informal as people getting together for a few days to talk about scheduling or talk about how we deal with this problem on the production line. It increases employee satisfaction, it increases productivity, it has made American industry more competitive internationally.

It is a good thing, and we have dozens and dozens and dozens of people come and testify and tell us that. And these were employees.

I have been out in shops and touring places in my district, and they all wanted to be able to do this. And the problem is that that form of employee involvement is quite probably illegal under the National Labor Relations Act, because 60 years ago, Congress quite properly outlawed company unions, and the National Labor Relations Board has interpreted these things as to be in effect company unions. Now we need to be able to provide relief to these millions of Americans who are doing something they want to do and helping the economy at the same time.

□ 1315

Now, the arguments against this that we have heard made and are going to be made by the other side is this will hurt union shops, it will circumvent workplaces that are collectively bargained and the proper role of the collective bargaining agent.

The answer to that, the bill exempts workshops that are organized by unions. It does not apply there. We will hear argued that the bill permits company unions. The truth is the bill explicitly prohibits company unions because it says if one of these employee entities has or claims the right to bargain collectively, and that is the essence of a union, an entity that claims the right to bargain collectively, is not covered by the bill. It is not protected by the proviso.

We will hear it is not needed; that, in fact, there is nothing wrong out there; that people are doing this now and are not under threat. Mr. Speaker, there are dozens of cases pending before the National Labor Relations Board in which these arguments are being challenged now, and I do not think the board is wrong in doing that, because under the bipolar world of the National Labor Relations Act as it was passed in 1935, employee relations had to be necessarily adversarial. Either management and labor eyed each other across the bargaining table in an adversarial fashion or the only other model was employers ramming it down the throat of employees. They did not anticipate what would happen 45 or 50 years later when people would work together and cooperate.

These things are foreign to the scheme of the NLRA as it was passed 60 years ago. That is why we need to update it. Do we really think there is no problem? Well, here is what this Congress said last year when it was controlled by the other side in a committee report on an OSHA bill. "Substantial uncertainty exists over the impact of the Electromation and DuPont decisions", and those are the decisions we are talking about, "on joint safety and health committees".

In other words, Mr. Speaker, these committees may be illegal under the law. Mr. William Gould, who is the chairman of the National Labor Relations Board, said exactly what I said a minute ago. He said, "The difficulty here is that Federal labor law, because it is still rooted in the Great Depression reaction to company unions through which employers controlled labor organizations, prohibits financial assistance by employers to any labor organization". That is his quote, and he meant including any kind of employee involvement. He suggested amendments to the NLRA that allowed for cooperative relationships.

Mr. Speaker, it is possible to have win-win kinds of legislation. It is possible to have legislation which empowers people to do good things. That is what we are trying to do here. I urge the House to consider this dispassionately, to discount the rhetoric against this kind of thing. This is something that people really want. Let us do something people really want rather than allowing them to be bound by the concepts and the laws on those concepts of 60 years ago when the world was a very, very different place than it is now.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Speaker, let me confess at the outset that I come from a union family. My mother, father, two brothers and I all worked for a railroad. We were all proud members of the Brotherhood of Railway Clerks, and that is part of my core value. I believe in unionism.

I believe that labor organizations have an important place in the American economy, but let me tell Members a story; 2 or maybe 3 years ago the Democratic Caucus had a meeting, and we invited in the head manager and the top union representative from the Saturn plant in Tennessee. We have seen all the ads about their teamwork there. These two men came to the stage both wearing khaki pants and a white button-down shirt and a red cardigan sweater. They sat down and started talking about their team concept in building cars, and for the first 10 minutes, I swear, I could not tell which was on the management side and which was on the labor side. It was clearly the best of all possible worlds. Here was a workplace situation where workers were being treated with dignity, brought into the decision process. The kind of team approach which we all hope will become part of American business and the American labor experience.

Mr. Speaker, I can say with some certitude, because I have heard it from those who support this TEAM Act, that this is not an exception at the Saturn plant. In fact, what we are told is that 80 percent of the largest companies in the United States are already doing this; that some 30,000 workplaces across the country have tried these concepts where the workers and the management sit down and work together and it works. The productivity of the workers is shown in the wages and in the quality of the product and the profits for the company, and that is certainly what we all want.

So the obvious question, if this is taking place in so many businesses across the United States, why do we need this law? If Congress is going to spend its time passing laws to enact things that already exist, we are going to have a pretty busy schedule, and there are a lot of things we should be spending our time on and problems that need to be solved.

Well, when we open up the lid and look inside the TEAM Act, we find it is much more than I just described and much more than we heard form the Republicans who are supporting it. It is not a question of employee and employer cooperation. We all want that. What they are trying to do is twofold. First, they have three companies that have gone over the line and pushed it too far. They have cases ending before the National Labor Relations Board. These companies, these special interests, are pushing for this legislation to get them off the hook.

Second, many companies think if they can create this kind of a company union, they can break efforts to organize plants and businesses across the United States by labor organizations. They will come in and say, do not sign up with the international union, we will create our little company union here and, therefore, you will not have to do business with them. It is a way to break down an effort to organize a plant.

Mr. Speaker, I do not think that is a good thing for us to see in this country. The single biggest problem we face in our economy is that working families, middle-class families, are working harder, putting in more hours, going to work, husbands and wives both playing by the rules and beating their heads against the wall. The productivity is up, corporate profits are up, and wages are not up.

Wages are stagnant and people are frustrated and angry and they should be. It is no coincidence we have seen a decline in the size and quality of the middle class in America as we have seen a decline in the size of labor unionism, because those workers no longer have a place at the table in collective bargaining. The TEAM Act is an effort to keep those workers away from the table, put them in little company unions where they can be controlled.

What we need in this country is an honest approach. Collective bargaining. Hard work should be rewarded. People should get a decent paycheck.

That is part of the American dream, and it is a darned good reason to vote against the TEAM Act.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 30 seconds to the gentleman from Pennsylvania [Mr. GOODLING,] the chairman of the committee.

Mr. GOODLING. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I want to respond to the gentleman from Illinois [Mr. DURBIN] who talked about the beautiful operation going on in union settings between labor and management, and that is true, and that is what we want to do for the rest of the people in the United States. At the present time that cannot happen if you are not a unionized plant. Either management dictates everything or employees dictate everything. They cannot work together as they do in a union setting. That is why the necessity for the legislation that is on the floor today.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong opposition to the rule and the bill.

The most important reason workers organize or join a union at their workplace is so that they have some collective clout. Every employee knows that without a union, the employer makes all the rules—pay, hours, overtime, working conditions. The employer owns the job and workers can be fired without cause.

Only the legal protection of the National Labor Relations Act and its 8(a)(2) provision, ensures that people have the right to elect representatives of their own choosing to negotiate on the employees behalf. If we change this critical protection in the law, then democracy fails.

Employers understand this very well. It is no accident that the U.S. Chamber of Commerce and the National Association of Manufacturers support this bill. If these business representatives—who were not chosen by the employees—were interested in employee participation, as they claim, then let them prove it by supporting union organizing efforts by unions of the employees choice. Democracy succeeds when the rights of workers are respected—not eliminated.

I urge my colleagues to defeat this dangerous bill.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. BALLENGER].

Mr. BALLENGER. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I want to make one point about the impact of this bill on union organizing. An employer cannot use a team or committee to interfere with employees' ability to organize or engage in other concerted activities for mutual aid or protection. The law which makes it an unfair labor practice for employers to interfere with, restrain, or coerce employees in the exercise of their rights, guaranteed by section 7 of the NLRA, to organize and bargain collectively through representatives of their own choosing—remains untouched by the TEAM Act. In a recent case, it was found that an employer's promise, the day before a union election, to establish a communications committee to deal with employee grievances was a violation of section 8(a)(1) because it was used as an inducement to persuade employees to vote against the union. This case remains good law even after passage of the TEAM Act.

The bill specifically states that "it shall not constitute or be evidence of a violation under this paragraph for an employer" to establish and participate in an employee involvement structure. H.R. 743 also specifically provides in section four that "Nothing in this Act shall affect employee rights and responsibilities contained in provisions other than section 8(a)(2) of the National Labor Relations Act, as amended."

Thus, the other protections in section 8(a) of the NLRA which prohibit employer conduct that interferes with the right of employees to freely choose independent representation remain in full force. If employee involvement structures do not prove to be an effective means for employees to have input into the production and management policies that impact them, those employees have every right, and every reason, to formally organize.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. SAM JOHNSON].

Mr. SAM JOHNSON of Texas. Mr. Speaker, we are not here to try to undercut unions. On the other hand, I do not want somebody that is elected by a union to come and talk common sense, and you know this TEAM Act is probably one of the most commonsense pieces of labor legislation that this House has ever seen.

The TEAM Act will allow employers and employees to come together and discuss how they as a team, as the bill says, can make their workplace safer, more efficient, and produce a higher quality product, all without the threat of union legal battles. The aim of the legislation is to allow companies to bring their employees into the planning process by giving them a hand in formulating their work policy.

Mr. Speaker, we all know big labor will paint this as detrimental to the American worker. It is simply false. The bill makes it clear that employer-employee organizations may not enter into or negotiate collective bargaining agreements or amend existing collective bargaining agreements.

The real reason that unions are screaming is they are afraid of losing power by allowing employees to work with their employers to solve basic problems without the heavy hand of union interference.

As we prepare our work force for the 21st century, we cannot continue to hold on to obsolete rules that stifle creative solutions to challenges in the workplace, and unions need to change, too. Both employees and employers want the ability to improve their performance and working conditions. The TEAM Act does that while still protecting the rights of the employees.

Do what is right for American workers, support teamwork. Let us vote for this rule and the TEAM Act.

Mrs. WALDHOLTZ. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I would like to compliment the gentleman from Wisconsin [Mr. GUNDERSON] on putting this act together. This will revolutionize the way we do business in America, and unfortunately there is some case law out there that stands in the way of businesses being competitive in the 21st century.

□ 1330

The Third District of South Carolina has transformed itself in the last 30 or 40 years from being a district dominated by the textile industry.

When I was growing up, there was a paternalistic society where people were not asked to give their ideas. They were told what to do and when to be there and they were treated like children.

Mr. Speaker, I have seen that industry itself change where now business leaders are looking at their employees as assets and they are asking them: How can we make our product better? They are talking to them about safety in the workplace and about benefit packages.

Mr. Speaker, there is nothing in this bill that prevents people from organizing unions, if they want to. What we are trying to do is to make sure that when employees and employers want to, they can sit down and discuss how to run a business; how to make it better for the employer and better for the employee.

Unless we pass this legislation, there is a legal ruling that will stand in the way of that from happening. If that cannot happen in the Third Congressional District of South Carolina, we are going to be left behind, because employees are assets that have good minds and good hearts. They want to give back to the company. They want to be asked how to do business. They want to be a part of the process.

Mr. Speaker, as I go through my district touring plants, I am now shown

the plant by team leaders. They take a lot of pride in what they do. There is dignity in the workplace. This is an absolute, essential piece of legislation to allow American businesses to grow. If we do not pass this, we are going to go back to the time when workers were treated like children and the only people who could talk were unions, and that is not fair.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, I rise to urge defeat of the rule and defeat of the TEAM Act.

Mr. Speaker, the continuing assault on the American worker by this Congress continues today with the consideration of the TEAM Act. I strongly urge the defeat of this proposal.

This bill, in my opinion, creates more problems than it solves. The so-called TEAM Act has nothing to do with teamwork, with workplace cooperation, or with empowering employees.

Under the guise of empowering employees, H.R. 743 guts section 8(a)(2) of the National Labor Relations Act, allowing an employer to create an organization of employees, determine its procedures, and select the organization's leaders. The bill would reestablish company unions, because employers could negotiate the terms and conditions of employment with this new organization, so long as the employer does not enter into a new contract.

Mr. Speaker, eliminating the basic right of employees to be represented by their own independent representatives in collective bargaining will not improve the situations of employers or employees. The TEAM Act would turn existing cooperative labor-management groups into adversarial relationships. Undermining the basic rights of employees is not teamwork, but is an attack on basic rights of workers to have independent representation.

The assault on the workers continues in this Congress. It must be stopped. The very first thing we saw at the start of this Congress with the Education and Labor Committee was the elimination of the word "labor" in the name of the new committee.

Then we saw an assault on the minimum wage. Not only has the majority refused to raise the minimum wage; they want to eliminate the minimum wage totally. We see the OSHA laws, the safety of the American worker which is so important, they want to undermine it and eliminate it and scrap it. That continues to march on.

The National Labor Relations Board, we saw in the funding bills, they want to eliminate a lot of moneys to fund that. That is supposed to monitor unfair labor practices.

We talk about Davis-Bacon which is supposed to provide construction workers with a prevailing wage. They want to repeal Davis-Bacon.

Mr. Speaker, this TEAM Act is just another in a set of measures by the majority Republicans in this Congress to try to undermine the well-being of the American worker, to try to assault the American worker. It really ought to be defeated.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge defeat of the rule and defeat of this bill. This is a terrible piece of legislation. My colleagues have heard the speakers on our side. It would change 60 years of settled law in this country.

Mr. Speaker, I urge the defeat of this rule.

Mr. Speaker, I yield back the balance of my time.

Mrs. WALDHOLTZ. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I am somewhat disappointed to hear my colleague from Texas urging defeat of this rule, as this is a completely open rule. This rule allows any Member of this House to come forward with any amendment that they feel needs to be discussed by the House.

Mr. Speaker, there are no preprinting requirements. There are no time limitations. This is an open rule. This is the best way to bring debate to this floor.

Mr. Speaker, I would urge my colleagues to support adoption of this rule, despite whatever misgivings they may have to the underlying legislation. I urge my colleagues to support this rule, Mr. Speaker.

Mr. Speaker, I yield back the balance of my time and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. EVERETT). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 267, nays 149, not voting 18, as follows:

[Roll No. 686]

YEAS—267

Allard	Bilbray	Burton
Archer	Bilirakis	Buyer
Armey	Bishop	Calvert
Bachus	Bliley	Camp
Baker (CA)	Blute	Canady
Baker (LA)	Boehlert	Castle
Ballenger	Boehner	Chabot
Barr	Bonilla	Chambliss
Barrett (NE)	Bono	Chenoweth
Bartlett	Boucher	Christensen
Barton	Brewster	Chrysler
Bass	Brownback	Clement
Bateman	Bunn	Clinger
Bellenson	Bunning	Coble
Bereuter	Burr	Coburn
Collins (GA)	Hoke	Portman
Combest	Horn	Pryce
Condit	Hostettler	Quillen
Cooley	Houghton	Quinn
Cox	Hunter	Radanovich
Crane	Hutchinson	Ramstad
Crapo	Hyde	Reed
Cremeans	Inglis	Regula
Cubin	Istook	Riggs
Cunningham	Johnson (CT)	Roberts
Davis	Johnson, Sam	Roemer
Deal	Jones	Rogers
DeLauro	Kasich	Rohrabacher
DeLay	Kelly	Ros-Lehtinen
Diaz-Balart	Kim	Rose
Dickey	King	Roth
Dicks	Kingston	Roukema
Doggett	Klug	Royce
Dooley	Knollenberg	Salmon
Doolittle	Kolbe	Sanford
Dornan	LaHood	Sawyer
Dreier	Largent	Saxton
Duncan	Latham	Scarborough
Dunn	LaTourette	Schaefer
Ehlers	Laughlin	Schiff
Ehrlich	Lazio	Seastrand
Emerson	Leach	Sensenbrenner
English	Lewis (CA)	Shadegg
Ensign	Lewis (KY)	Shaw
Everett	Lightfoot	Shays
Ewing	Lincoln	Shuster
Fawell	Linder	Sisisky
Fields (TX)	Livingston	Skaggs
Flanagan	LoBiondo	Skeen
Foley	Longley	Skelton
Forbes	Lowey	Smith (MI)
Ford	Lucas	Smith (NJ)
Fowler	Luther	Smith (TX)
Fox	Manzullo	Smith (WA)
Franks (CT)	Martini	Solomon
Franks (NJ)	McCarthy	Souder
Frelinghuysen	McCollum	Spence
Frisa	McCrery	Stearns
Funderburk	McDade	Stenholm
Gallegly	McHugh	Stockman
Ganske	McInnis	Stump
Gekas	McIntosh	Talent
Geren	McKeon	Tanner
Gilchrest	Metcalf	Tate
Gillmor	Meyers	Tauzin
Gilman	Mica	Taylor (MS)
Goodlatte	Molinari	Taylor (NC)
Goodling	Montgomery	Thomas
Gordon	Moorhead	Thornberry
Goss	Moran	Tiahrt
Graham	Morella	Torkildsen
Greenwood	Myers	Traficant
Gunderson	Myrick	Upton
Gutknecht	Nethercutt	Vucanovich
Hall (TX)	Neumann	Waldholtz
Hamilton	Ney	Walker
Hancock	Norwood	Walsh
Hansen	Nussle	Wamp
Hastert	Olver	Ward
Hastings (WA)	Orton	Watt (NC)
Hayes	Oxley	Weldon (FL)
Hayworth	Packard	Weldon (PA)
Hefley	Parker	Weller
Hefner	Paxon	White
Heineman	Payne (VA)	Whitfield
Herger	Petri	Wicker
Hilleary	Pickett	Wolf
Hobson	Pombo	Zeliff
Hoekstra	Porter	Zimmer

NAYS—149

Abercrombie	Chapman	Durbin
Ackerman	Clay	Edwards
Andrews	Clayton	Engel
Baesler	Clyburn	Eshoo
Baldacci	Coleman	Evans
Barcia	Collins (IL)	Farr
Barrett (WI)	Collins (MI)	Fattah
Becerra	Conyers	Fazio
Bentsen	Costello	Fields (LA)
Berman	Coyne	Filner
Bevill	Cramer	Flake
Bonior	Danner	Foglietta
Borski	de la Garza	Frank (MA)
Browder	DeFazio	Frost
Brown (CA)	Dellums	Furse
Brown (FL)	Deutsch	Gejdenson
Brown (OH)	Dingell	Gephardt
Bryant (TX)	Dixon	Gibbons
Cardin	Doyle	Gonzalez

Green	McDermott	Roybal-Allard
Gutierrez	McHale	Rush
Hall (OH)	McKinney	Sabo
Harman	McNulty	Sanders
Hastings (FL)	Meehan	Schroeder
Hilliard	Meek	Schumer
Hinchey	Menendez	Scott
Holden	Mfume	Serrano
Hoyer	Mineta	Slaughter
Jackson-Lee	Minge	Spratt
Johnson (SD)	Mink	Stark
Johnson, E. B.	Mollohan	Stokes
Kaptur	Murtha	Studds
Kennedy (MA)	Nadler	Stupak
Kennedy (RI)	Neal	Thompson
Kennelly	Oberstar	Thornton
Kildee	Obey	Thurman
Kleczka	Ortiz	Torres
Klink	Owens	Velazquez
LaFalce	Pallone	Vento
Lantos	Pastor	Visclosky
Levin	Payne (NJ)	Waters
Lewis (GA)	Pelosi	Waxman
Lipinski	Peterson (FL)	Williams
Lofgren	Peterson (MN)	Wilson
Maloney	Pomeroy	Wise
Manton	Poshard	Woolsey
Markey	Rahall	Wyden
Martinez	Rangel	Wynn
Mascara	Richardson	Yates
Matsui	Rivers	

NOT VOTING—18

Bryant (TN)	Miller (CA)	Towns
Callahan	Miller (FL)	Tucker
Jacobs	Moakley	Volkmer
Jefferson	Reynolds	Watts (OK)
Johnston	Tejeda	Young (AK)
Kanjorski	Torricelli	Young (FL)

□ 1356

Mr. BEVILL and Mr. RICHARDSON changed their vote from "yea" to "nay."

Mrs. CHENOWETH and Mr. SKAGGS changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore (Mr. EVERETT). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DREIER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 344, noes 66, answered "present" 1, not voting 23, as follows:

[Roll No. 687]

AYES—344

Allard	Barrett (WI)	Bliley
Andrews	Bartlett	Blute
Archer	Barton	Boehlert
Armey	Bass	Bonilla
Bachus	Bateman	Bono
Baesler	Beilenson	Boucher
Baker (CA)	Bentsen	Brewster
Baker (LA)	Bereuter	Browder
Baldacci	Berman	Brownback
Ballenger	Bevill	Bryant (TX)
Barcia	Bilbray	Bunn
Barr	Bilirakis	Bunning
Barrett (NE)	Bishop	Burr
Burton	Hancock	Norwood
Buyer	Hansen	Nussle
Calvert	Hastert	Oberstar
Camp	Hastings (WA)	Obey
Canady	Hayes	Olver
Cardin	Hayworth	Ortiz
Castle	Hefner	Orton
Chabot	Heineman	Oxley
Chambliss	Herger	Packard
Chapman	Hilleary	Parker
Chenoweth	Hoekstra	Pastor
Christensen	Hoke	Paxon
Chrysler	Holden	Payne (VA)
Clayton	Horn	Pelosi
Clement	Hostettler	Peterson (FL)
Clinger	Houghton	Peterson (MN)
Coble	Hoyer	Petri
Coburn	Hunter	Porter
Coleman	Hutchinson	Portman
Collins (GA)	Hyde	Pryce
Combest	Inglis	Quillen
Condit	Istook	Quinn
Cooley	Jackson-Lee	Radanovich
Cox	Johnson (CT)	Rahall
Coyne	Johnson (SD)	Ramstad
Cramer	Johnson, Sam	Rangel
Crapo	Jones	Reed
Cremeans	Kaptur	Regula
Cubin	Kasich	Richardson
Cunningham	Kelly	Riggs
Danner	Kennedy (MA)	Rivers
Davis	Kennelly	Roberts
de la Garza	Kildee	Roemer
Deal	Kim	Rogers
DeFazio	King	Rohrabacher
DeLauro	Kingston	Ros-Lehtinen
DeLay	Kleczka	Rose
Dellums	Klink	Roth
Deutsch	Klug	Roukema
Diaz-Balart	Knollenberg	Roybal-Allard
Dickey	Kolbe	Royce
Dicks	LaHood	Salmon
Dingell	Lantos	Sanders
Dixon	Largent	Sanford
Doggett	Latham	Sawyer
Dooley	LaTourette	Saxton
Doolittle	Laughlin	Schaefer
Dornan	Lazio	Schiff
Doyle	Leach	Schumer
Dreier	Lewis (CA)	Scott
Duncan	Lewis (KY)	Seastrand
Dunn	Lightfoot	Sensenbrenner
Edwards	Lincoln	Serrano
Ehlers	Linder	Shadegg
Ehrlich	Livingston	Shaw
Emerson	LoBiondo	Shays
Engel	Lofgren	Shuster
English	Longley	Sisisky
Eshoo	Lowey	Skaggs
Everett	Lucas	Skeen
Ewing	Luther	Skelton
Farr	Manton	Slaughter
Fawell	Manzullo	Smith (MI)
Fields (TX)	Markey	Smith (NJ)
Flake	Martini	Smith (TX)
Flanagan	Mascara	Smith (WA)
Foglietta	Matsui	Solomon
Foley	McCarthy	Spence
Forbes	McCollum	Spratt
Ford	McCrery	Stearns
Fowler	McDade	Stenholm
Fox	McHale	Stokes
Frank (MA)	McHugh	Studds
Franks (CT)	McInnis	Stump
Franks (NJ)	McIntosh	Stupak
Frelinghuysen	McKeon	Talent
Frisa	McKinney	Tanner
Frost	Meehan	Tate
Gallegly	Metcalf	Tauzin
Ganske	Meyers	Taylor (NC)
Gejdenson	Mica	Thomas
Gekas	Minge	Thornberry
Geren	Mink	Thornton
Gilchrest	Molinari	Thurman
Gillman	Mollohan	Tiahrt
Gonzalez	Montgomery	Torkildsen
Goodlatte	Moorhead	Torres
Goodling	Moran	Torricelli
Gordon	Morella	Traficant
Goss	Murtha	Upton
Graham	Myers	Vucanovich
Green	Myrick	Waldholtz
Greenwood	Nadler	Walker
Gunderson	Neal	Walsh
Hall (TX)	Nethercutt	Wamp
Hamilton	Neumann	Ward
Waters	White	Wyden
Watt (NC)	Whitfield	Wynn
Waxman	Wicker	Young (AK)
Weldon (FL)	Williams	Young (FL)
Weldon (PA)	Wise	Zeliff
Weller	Wolf	

NOES—66

Abercrombie	Furse	Mineta
Ackerman	Gephardt	Ney
Becerra	Gillmor	Pallone
Bonior	Gutierrez	Payne (NJ)
Borski	Gutknecht	Pickett
Brown (CA)	Hall (OH)	Pombo
Brown (FL)	Hastings (FL)	Pomeroy
Brown (OH)	Hefley	Poshard
Clay	Hilliard	Rush
Clyburn	Hinchey	Sabo
Collins (IL)	Johnson, E.B.	Scarborough
Collins (MI)	Kennedy (RI)	Schroeder
Conyers	LaFalce	Stark
Costello	Levin	Stockman
Crane	Lewis (GA)	Taylor (MS)
Durbin	Lipinski	Thompson
Ensign	Maloney	Velazquez
Evans	McNulty	Vento
Fattah	Meek	Visclosky
Fazio	Menendez	Woolsey
Filner	Mfume	Yates
Funderburk	Miller (CA)	Zimmer

ANSWERED "PRESENT"—1

Harman

NOT VOTING—23

Boehner	Johnston	Souder
Bryant (TN)	Kanjorski	Tejeda
Callahan	Martinez	Towns
Fields (LA)	McDermott	Tucker
Gibbons	Miller (FL)	Volkmer
Hobson	Moakley	Watts (OK)
Jacobs	Owens	Wilson
Jefferson	Reynolds	

□ 1414

So the Journal was approved.

The result of the vote was announced as above recorded.

□ 1415

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Chief Administrative Officer of the House of Representatives:

HOUSE OF REPRESENTATIVES,
CHIEF ADMINISTRATIVE OFFICER,
Washington, DC, September 22, 1995.

Re: Searcy et al. and U.S., ex rel. *Bortner* v. *Philips Electronics*, et al.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my Office has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SCOT M. FAULKNER,
Chief Administrative Officer.

TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

The SPEAKER pro tempore (Mr. EVERETT). Pursuant to House Resolution 226 and rule XXIII, the Chair declares

the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 743.

□ 1415

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 743) to amend the National Labor Relations Act to allow labor-management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 30 minutes, and the gentleman from Missouri [Mr. CLAY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, I yield 5 minutes to the gentleman from Wisconsin [Mr. GUNDERSON], the author of the legislation and a member of the committee.

Mr. GUNDERSON. Mr. Chairman, I thank the gentleman from Pennsylvania, Chairman GOODLING, for yielding me this time.

Mr. Chairman, last week we talked about improving the work force through the CAREERS Act. Today we have a chance of improving the workplace. Now, I know we are all busy, we are consumed with reconciliation and everything else, so let us not make this an intellectual debating society. Let us make this as simple as we can.

The facts are that today management in a nonunion setting can tell employees to do whatever they want and it is legal. Today, if management in a nonunion setting sits down and, voluntarily working with employees, reaches a mutual conclusion on how to make changes within the workplace, it is illegal. It is that simple.

Management can do it, but if they work with the employees it is a violation of the National Labor Relations Act. Why is that the case? Take a look at these two lines: The definition of a labor organization under existing law is any organization of any kind in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

Now, what is 8(a)(2), this whole issue we are talking about; when does an employer dominate a labor organization? It shall be an unfair labor practice for an employer to dominate or interfere with the formation or administration of any labor organization.

Well, if any group that meets to talk about any of these conditions is a labor organization, then you have got a problem if management is involved in any way, shape, or form.

Many people do not remember how labor law was developed in this country 60 years ago. It was actually in 1933 under the National Industrial Recovery Act, during the Great Depression, when Congress created the right for employees to organize and bargain collectively. But in the process of doing that, we found out over the next couple of years that management could create that collective bargaining unit within the company, and it became what we call sham unions.

So in 1935, to prevent that, we defined what is domination of labor organization to prevent employers from using company unions to avoid recognizing and collectively bargaining with independently organized unions.

Let me read from that report, literally 60 years ago. The object of prohibiting employer dominated unions is to remove from the industrial scene unfair pressure, unfair discussion.

Why are we here this afternoon? Well, in December 1992, the National Labor Relations Board unanimously ruled that Electromation, Inc., from Indiana, had violated section 8(a)(2) of the act. Why? Because Electromation, Inc., had created five what are called action teams between management and employees to discuss, of all things, a nonsmoking policy, absenteeism, internal communications, and the like.

The National Labor Relations Board ruled that these committees were indeed by definition labor organizations under (2)(v), and get this, because the company dictated the size of the action teams, the responsibilities of the action teams, the goals and agendas of the action teams, it was somehow dominating the committees, and therefore it was an illegal company union.

I do not need to tell anyone in this place, and I hope no one in America, about the need for employee-employer joint management and cooperative teams in 1995. Members have all heard about total quality management, they have heard about quality circles, they have heard about quality of life, quality of work programs, self-directed work teams, productivity teams, and all the like. As we try to deal with these issues to be competitive in an international arena, it is essential that in nonunion settings they may occur without being a violation of law.

Every one of us in our district has some kind of company, as small as they are, that try to deal with this today, and they simply do not know they are illegal. So today we bring you H.R. 743. We eliminate no existing language in the National Labor Relations Act, we do not redefine labor organizations, we do not allow sham unions or nonunion collective bargaining and we do not allow employee involvement teams in organized labor workplaces. Rather, we simply say it is not a violation of the law for employees and employers in nonunion settings to work together. That is all this is. Mr. Chairman, I encourage Members' support.

Mr. CLAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to oppose H.R. 743. Not only is this so-called TEAM Act ill-conceived and unwarranted, those problems alone would be sufficient reasons for me to oppose the bill. My opposition goes far deeper. This bill undermines workplace democracy and threatens the very foundation of collective bargaining. I applaud President Clinton for promising to veto this misnamed bill.

H.R. 743 is the latest installment in the campaign by the new Republican majority to eradicate protections afforded our work force. At a time when millions of workers and their families see the real value of their wages declining; at a time when millions of workers and their families struggle to exist on minimum wage pay; at a time when the working poor desperately need help to boost their standard of living, the Republican majority puts forth legislation that is contrary to the needs and aspirations of working families. They promise a tax break for the most wealthy while wiping out the earned income tax credit for the most needy. Today, they call up a bill that will tip the scales of collective bargaining heavily in favor of employers.

Mr. Chairman, proponents of the so-called TEAM Act argue that the bill is needed to promote worker-management cooperation. Who could argue against the goals of greater employee participation and greater cooperation between employers and employees? But, the measure before us runs completely counter to those laudable goals. This so-called TEAM Act would hinder, not foster, development of genuine labor-management cooperation. It places in grave jeopardy the right of workers to organize independently and bargain collectively.

This bill would destroy one of the most essential protections provided under the National Labor Relations Act: the protection against company-dominated, sham unions. As noted labor historian Dr. David Brody has written: "Abhorrence of company domination is a corollary to the principal of freedom of association central in our labor law."

Mr. Chairman, no change in the law is needed to promote greater labor-management cooperation. Lawful employee involvement programs are flourishing in both union and nonunion settings. They will continue to flourish without this Congress sacrificing the right of workers to choose their own independent representatives.

My colleagues, you will hear proponents of this legislation complain

about the so-called Electromation problem. Do not be confused by their strawman arguments. As Edward Miller, former Chairman of the National Labor Relations Board and a noted management attorney, testified recently before the Dunlop Commission:

The so-called Electromation problem . . . is another myth . . . it is indeed possible to have effective (employee involvement) programs . . . in both union and nonunion companies without a change in the law. If 8(a)(2) were to be repealed I have no doubt that in not too many years, sham company unions would again recur.

Mr. Chairman, make no mistake about it; H.R. 743 would effectively repeal section 8(a)(2). It would permit management to negotiate with itself while claiming that it is carrying on discussions with representatives chosen not by those they purport to represent, but by management itself.

It is indeed ironic that many of those who today will call for passage of this so-called Team Act opposed the Workplace Fairness Act. They claimed then that it would have upset the delicate balance in our labor laws. How ironic that they would have us consider this bill that without question will upset that balance.

When this bill is open for amendment, I urge my colleagues to support the Sawyer substitute. His proposal truly and fairly responds to legitimate concerns about the legality of employee involvement programs by creating safe harbors for workplace productivity teams. If the Sawyer substitute fails, join me in opposing final passage of this misnamed and blatantly unfair proposal.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield 4½ minutes to the gentleman from Illinois [Mr. FAWELL], the subcommittee chairman who had the hearings on this legislation.

Mr. FAWELL. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, all this bill does is to simply allow teams of employees in a nonunion setting to freely interact with management regarding terms and conditions of their employment. It should be called a Freedom of Employees Act.

The debate today involves the interesting question of why employers are being charged with setting up sham or company unions simply because they are increasingly interacting with new and innovative employee involvement teams.

The basic reason is because of a broad and archaic definition of the words "labor organization" passed back in 1935, and the understandable intent of Congress back in 1935 to stop employers from organizing employer-sponsored unions, called sham or company unions, which were all too common before the passage of the NLRA. The story goes like this.

The NLRA was passed 60 years ago and section 8(a)(2) was drafted to make it clear that it is an unfair labor practice for an employer to form a sham union, that is, to dominate or interfere with the formation or the administration of any labor organization or to contribute financial or other support to the labor organization.

Well, so far, so good. However, the drafters of the NLRA also added section 2(5) to that act which defines labor organization so broadly that it includes any group of employees "which exists for the purpose, in whole or in part, of dealing with employers concerning," among other things, "conditions of work."

Since employee involvement teams usually, of course, deal at least partially with conditions of work, the National Labor Relations Board has ruled that such employee teams fit the 1935 definition of a labor organization, if the employer is involved to any significant degree.

Hence, an employer who supports employee involvement teams, in order to produce greater workplace quality, health and safety, or production quotas, for instance, is deemed guilty, ipso facto, of spawning a company union.

What we have here, of course, is a fossilized 60-year-old definition of labor organization colliding head-on with dynamic new concepts of doing business in today's fast evolving, information-centered economy and society.

H.R. 743 therefore says the obvious: that teams of employees which interact with their employer, with the goal of improving quality and conditions of work, are excepted from that 1935 definition of a labor organization. The bill thus allows employees and employers to participate in employer involvement groups in a nonunion setting without that employee team being called a sham union. On the other hand, the bill also makes it clear that no such employee team can claim to be a union or seek authority to be the exclusive bargaining representative of its employees.

H.R. 743 also protects the existing rights of employees to seek formal union organization whenever they may choose. The law also continues to proscribe an employer from creating a sham labor organization, as well as in any way interfering with the right of employees to freely choose union representation.

Mr. Chairman, in the final analysis, one must understand that the world has changed a lot since 1935. Employers no longer rely on top-down decision making. We live in a global economy. And employee involvement teams are obviously not sham unions. Nor should they be looked upon as such, or God help us, regulated and regimented as mini-unions within the nonunion setting, as some suggest. They are teams of employees who, under an infinite number of methods, are freely experimenting, usually quite informally and successfully, with new and exciting ways of pursuing quality, and greater productivity and satisfaction at the place of employment. They were unimagined in the thirties and are a win-win phenomenon in all segments of our industrial policy. This bill is 21st century stuff. It's employees and employers cooperating and doing their thing in the nonunion setting. It is a threat to no one except to those who fear happier and more productive employees.

□ 1430

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, let me see if I've got this straight. Over the past 9 months, the Gingrich Republicans have voted to make it easier for employers: to ignore the 40-hour work week; to get away with health and safety violations; to ignore environmental safeguards; to ignore the National Labor Relations Board; to raid pension funds; to permanently replace workers; and all in all, to give away the store to special interests and wealthy corporations.

At the same time, they've voted to: put employee pensions at risk; cut job training; slash school-to-work; raise taxes on low-income workers; cut student loans; cut Medicare; and all in all, do everything they could to tip the balance against working families.

And yet today they come to this floor and say they want to promote teamwork in the workplace?

Sure they do, as long as workers agree to play with both hands tied behind their backs.

I say to my friends on the other side of the aisle: Don't come to this floor today and talk about teamwork. Because we all know that under current law employers can already do exactly what you say you're trying to do here today.

They already can set up worker teams.

They already can promote cooperation.

And the vast majority of companies already do.

The only thing corporations can't do today is decide who is going to speak for employees. The only thing they can't do is hand-pick the people who represent employees at the bargaining table.

Because as a nation we have always believed that it was in the best traditions of freedom and democracy that people ought to have the right to elect the people who speak for them.

But under this bill, not only would employers have the right to hand-pick employee representatives, they would have the exclusive right to appoint

team members, set their agenda, terminate people at will, bypass democratically elected representatives, and undermine agreements negotiated in good faith.

This bill is nothing but a back-door attempt to silence working people, crush unions, undermine collective bargaining, and give corporations free reign.

But after watching Speaker GINGRICH's top-down assault on working people the past 9 months, it really comes as no surprise that this is your idea of teamwork.

We should be promoting real cooperation in the workplace. This bill not only undermines the traditions that made this country great, it undermines the democratic principles that this Nation was founded upon.

I urge my colleagues to vote against this bill.

Mr. GOODLING. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, as an original cosponsor of this bill, I am pleased to speak in support of H.R. 743, the Teamwork for Employees and Managers Act. When my colleague from across the aisle, the gentleman from Wisconsin [Mr. GUNDERSON], asked me to sign on to this bill, I quickly agreed because I knew the gentleman was sincere in his desire to address this issue in a fair and constructive manner. The ability of our country's work force to successfully compete in the international arena is too important an issue to fall victim to the partisan politics of business as usual.

My own experience as the manager of a rural electrical cooperative in west Texas convinced me of the wisdom of this legislation. Nothing should restrict employers and employees from talking about their workplace and making plans to improve the product or services they offer. The cooperative I managed was far more effective because the employees and I enjoyed open dialog on all matters.

We can argue in this Chamber about the necessity of this measure, but we cannot argue with what we are hearing from the folks working in the factories, shops, and other small businesses back home. Mr. Chairman, employees from the 3M plant in Brownwood, TX, and the Goodyear Proving Grounds in San Angelo, TX, support this measure. It is with these workers in mind that I plan to cast my vote for the future of the American work force and vote for the TEAM Act. They want this legislation.

It all comes down to this: This is not a bill for employers. It is not a bill for employees. It is a bill for employees and employers. In the modern international marketplace, people all across the country are losing their jobs because their employers are trying to stay competitive. We read every week about another 2,000 or 4,000 or 8,500 who have been laid off.

Are employees interested in keeping their companies competitive? Absolutely they are. They have the mortgage and the car payments and the child care and the health care and the groceries to think of. Keeping their company strong means keeping food on their tables. Employees have a vested interest in the passage of this legislation. They want to be part of their future.

Mr. Chairman, confrontation is destroying jobs in America. I urge Members to support this legislation.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in opposition to the TEAM Act because it would undermine the current successful balance between employers and employees. The National Labor Relations Act was designed to make companies more productive and efficient by ensuring employees independence and freedom, and the National Labor Relations Act is working.

Mr. Chairman, over the last decade American workers have become the most productive workers in the world. In every industry, large and small, American workers today are the most productive in the world. The increased productivity is partially the result of managers and employees working together in teams at companies like Nabisco, Saturn, Boeing, Chrysler, Xerox, Levi Strauss, and United States Steel. All of these companies, and many, many, many more small companies, have successful labor-management teams today under the current law.

The essential ingredient in their success, Mr. Chairman, is the ability of the employees to have an independent voice on issues that impact the conditions of their employment. Because conditions of employment, such as work time, wages, health, safety issues, dramatically impact the lives of the employees. These issues must continue to be left to independent employee organizations to deal with without employer control.

That is what this bill seeks to do, Mr. Chairman, to take away the independence of those employee organizations and insert employer dominance. Where the employer can set up an organization that is the fundamental equivalent of an independent organization, then employees lose that independent voice and, instead, we now have an adversarial system where once again we are dictating top-down from the employer to the lineworkers what is best for them.

Under the TEAM Act, the employers would be free to exclude from a labor-management team individuals who want to express an independent voice through a union. Employers would be able to start up a team whenever they want to stop a union drive. This is not employee empowerment. This is employer domination. Management can now set up worker organizations to deal with productivity and efficiency.

If that is all the Republicans care about, then the current law should not be changed. If they want more, if they want employer domination, then we must change the law. If there is a perception that the law is unclear whether labor-management teams can sometimes deal with the conditions of employment, then those can be dealt with under the Sawyer substitute. But the TEAM Act should be rejected because it ends the cooperative arrangement and it creates the adversarial arrangement.

Mr. Chairman, the fact is, if we look at the Dunlop Report, and we look at the others, the thousands and thousands of American corporations now deal, and workplaces deal, with team relationships with the workers, but they are working with independently chosen worker organizations as opposed to those dominated, and we ought to reject the TEAM Act and reject that kind of one-sided domination of the American workplace.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from Pennsylvania [Mr. GOODLING], the distinguished chairman, for yielding me time.

Mr. Chairman, the TEAM Act is not about the return of company unions, as my colleagues on the other side would like you to think. It is about moving the National Labor Relations Act from the Depression-era 1930's to 1990's. It is about telling American workers they are a valuable resource, and their input is vital to the success of American business. Above all, it is about keeping American companies competitive in the global economy.

Without the TEAM Act, we are in effect saying to the American worker, "we don't believe you can make managerial decisions on how to make a product better." We are saying "work, don't think."

Mr. Chairman, it is 1995 not 1935. Adversarial labor-management relationships were unavoidable 60 years ago, but today, it is time to move employee relations into the 21st century. Vote for H.R. 743. It is a solid step in the right direction.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, this is not an exercise in conflict resolution for a Sunday school, this is the opening shot in a blitzkrieg against organized labor in America. The gentleman from Georgia, Speaker GINGRICH, has said that politics is a war without blood, and the war is on against labor. The campaign against labor begins here in the context of the move to destroy the National Labor Relations Board, the

curtailment of the functions of OSHA and MSHA, the reduction in overtime, and the National Labor Relations Act. There is a whole battle plan where the panzers and the dive bombers and all of that will be released against organized labor.

Organized labor must be wiped out because in this politics war that the Speaker talks about, labor is a strong resisting force. There are not many forces out there that can resist the remaking of America the way Speaker GINGRICH and the Republican majority wants to remake it against organized labor.

The goal is Chinese capitalism. Chinese capitalism means that we have public policies, government policies which control the labor market. They control the workers so that the workers are manipulated for the benefit of the entrepreneurs and the management in order to produce a return suitable to the government and the entrepreneurs and the corporation. That is what we are talking about, a war against labor that begins today.

Mr. Chairman, we have had the guerilla warfare, we have had the sabotage, the black bag stuff in the appropriations bills and the budget bills, now it is open war. This legislation will undermine employee protections in two major ways: One, by allowing nonunion employees to establish sham unions; and, two, by allowing other employees to establish company-dominated alternative organizations while employees are in the process of democratically deciding whether to be represented by a labor organization.

□ 1445

Neither of these possibilities are permitted under current law. You get rid of current law, and the way is open. The points I have raised against the bill I assure you do not overstate the truth. Edward Miller, a former chairman of the National Labor Relations Board, said in testimony before the Dunlop Commission "If 8(a)(2) were to be repealed, I have no doubt that in not too many years sham company unions would again recur."

We cannot forget that the collective bargaining brought about by the National Labor Relations Act has helped bring prosperity to the Nation by increasing the wages of workers. Without equality of bargaining position, recurrent business recessions would be aggravated by the depression of wage rates and worker purchasing power.

Mr. Speaker, we cannot allow sham unions to carry the day once more and strip workers of the independence they earned through blood, sweat, and tears. I urge my colleagues to vote against this bill, which gives management an overwhelming advantage over American workers. We do not need Chinese capitalism in America.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. HOUGHTON].

Mr. HOUGHTON. Mr. Chairman, I wonder sometimes about the arguments in this House floor. We tend to put such a fine point on our issues. We tend to marshal our forces and it is team A against team B. I hope this is not going to be the case here.

Mr. Chairman, I will say in all candor, and I think I am right, I have probably, with the exception of one or two people, helped organize more unions and helped put more unions into plants than anybody in this House. I believe in unionism. I put them in all the plants that I have had anything to do with and have urged others to do this.

But I find now that all the sudden it is union versus nonunion. It is management versus people, and I think that is a shame.

The argument is that employers can do now what the bill already says. That is true, if it is interpreted properly. But it has not been interpreted properly.

Mr. Chairman, one of the reasons that I have felt that this is so important, because of the concept of working together, we have lost that in this country. I remember when I first started to work, somebody said, "Do not you forget, just because you are out of management school, that you are going to make the big decisions. You are not. The people on the floor who make the product are going to make the big decisions."

And so, therefore, I have always realized the potential of bringing people together and working in teams.

If my colleagues would take a look, and I am not going to wax eloquent about this country, but if the value of the currency, if the value of a piece of America is to be solidified and straightened out, it is going to be because of increased productivity and that is going to be because of what we are talking about here.

The role of management is to make decisions, but they cannot make decisions on their own. They must go to a variety of different people, the critical people they must go to. They must go to the people who do the work. That is the critical issue here.

In a union shop, the protection against abuse is the union. In a nonunion shop, the protection here is if a management abuses this privilege, it will become unionized. So, therefore, I think there is sort of a self-correcting process that goes on.

In a company there are stockholders, there is management, there are employees, and there are the unions. Frankly, this is not a stockholder, not a management, not a union. This is an employee's bill. I see it work. I think there is protection here, and I would hope that H.R. 743 would be approved.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. HOUGHTON. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, the gentleman from New York [Mr. HOUGHTON] talked about the benefits of people working together, and we are all in agreement on that. But the gentleman cannot deny that over the last 20 years, corporate America has been hitting the working people of this country over the head.

Mr. HOUGHTON. Mr. Chairman, reclaiming my time, I do not have any time to reply. Maybe I can do this individually afterward. I do not agree with that statement.

Mr. CLAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I rise in measured opposition to H.R. 743.

Mr. Chairman, last year the Dunlop Commission, a bipartisan panel of labor law experts, cited the principal danger of altering section 8(a)(2) of the National Labor Relations Act—that such action might adversely affect employees' ability to select union representation, if they so desire.

This panel went on to reaffirm the basic principle that: employer-sponsored programs should not substitute for independent unions. Employee participation programs are a means for employees to be involved in some workplace issues. They are not a form of independent representation for employees, and thus should not be legally permitted to deal with the full scope of issues normally covered by collective bargaining.

At the appropriate time today, I will offer a substitute which embodies the principal recommendation of this Commission in the area of employee involvement. It is intended to promote workplace cooperation without either jeopardizing workers' rights or leaving open to question the legality of legitimate employee involvement programs under section 8(a)(2).

Mr. Chairman, we have heard a great deal in recent months about laws and programs which were enacted with the best of intentions, but which had—in the view of some—unintended—and serious—side effects. In crafting this law, we must consider not only what we have is the intended good that may come of it, but also what potential dangers it may cause. I urge my colleagues to support my substitute, and to oppose this well-intentioned, but dangerous, bill.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MARTINEZ].

Mr. MARTINEZ. Mr. Chairman, I was interested in what the gentleman from New York [Mr. HOUGHTON], my friend, had to say. And I understand the sincerity. But I say to the gentleman, listen very carefully.

Mr. Chairman, I rise in opposition to this bill.

Mr. Chairman, this bill was written to suppress the rights of workers. What is worse is that the one case that they cite as an example of the need for this legislation, electromation, was one of the most glaring abuses of workers' rights that has come before the NLRB in a long time—so glaring that all five of the Reagan-Bush appointed board

members voted against the company, a decision confirmed by the Seventh Circuit Court of Appeals.

There is nothing in the law or the policy of the NLRB that threatens or discourages employers from forming work improvement teams. The law does allow, and there do exist, employee groups for those purposes in both unionized and nonunion workplaces.

This amendment to the National Labor Relations Act, however, would change that and would give employers greater capacity to discourage employees from organizing themselves.

That fits in with the notion that some employers and some Members of this Congress have that unions are inherently evil and must be destroyed.

Mr. Chairman, I was the owner of a small business before coming to Congress—one where I was quite successful, and where I had assembled a cadre of employees with whom I worked closely to ensure that they were successful as well. Before I created that business, I was an ordinary worker—both in union and nonunion settings. As a business owner and as a worker, I recognized the benefits of cooperation in the factory.

Cooperative approaches to day to day work leads to more acceptance of the rules and less contention in the shop.

If workers are offered the opportunity to make suggestions, communicate their concerns, and explore their ideas, both workers and management will benefit.

And, we are told, since the 1970's, the number of cooperative working arrangements that exist in America's workplaces has exploded—over 30,000 employers, 96 percent of the country's largest companies, use some form of teamwork in their operations.

To say that there is a chilling effect on the formation and continued operation of these cooperative working groups because of the very few cases that have arisen in the past 20 years is simply not supported by the facts.

Remember the avowed purposes for this act? Quote "To protect legitimate employee involvement programs, from governmental interference," unquote.

Well, I submit that the bill goes well beyond those purposes.

Legitimate employer involvement programs—those that do not abridge the rights of employees under collective bargaining agreements, are already legal under the National Labor Relations Act.

There is no need for this bill to protect legitimate programs.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. HALL].

Mr. HALL of Texas. Mr. Chairman, I am pleased to rise today in support of H.R. 743, Teamwork for Employees and Managers Act of 1995.

Mr. Chairman, I am pleased to rise today in support of H.R. 743, the Teamwork for Employees and Managers Act of 1995. The TEAM Act will clarify the legal ambiguity surrounding the use of worker-management teams in nonunion companies like many in my district. These teams provide the opportunity for development and improvement through an employee/manager relationship.

Several of my constituents from the Texas Instruments Sherman plant testified in support of this legislation before the Economic and Educational Opportunities Committee. One of those testifying was Mike Mitchell, who stated that "teaming efforts within our company are merited with improvement strategies and actions resulting in cost savings of literally millions of dollars annually." Shane Jackson, another constituent, said, "Without being able to have our teams, I feel we will cease to be competitive and fade away."

I personally believe that the teaming concept will result in successful advances and will enable a company to remain competitive. Teaming does make a difference. Mr. Chairman, I support H.R. 743 and urge my colleagues to approve this legislation.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Chairman, I rise to tell a story and to address the last gentleman's comments that in forming these teams, that management would only choose the people that were in support of that management.

Mr. Chairman, when I was in the private sector, the National Labor Relations Board had not interpreted these activities to be violating the National Labor Relations Act. But under current conditions and under the current board, they would interpret this as a violation of the law.

Mr. Chairman, we formed several teams in the company that I was working in. The way that we formed those teams is that management would submit some names to the team and the workers would submit some members to the team. We would vote on those from labor side. We would vote on it from management side, and we got together and we formed some of the most productive teams that helped efficiency, that helped scheduling, that helped all kinds of ways to improve the worker's lives.

Mr. Chairman, I think the bottom line that we have to look at here is who is looking out for the worker? That is the question that we have to ask. Who is looking out for the worker? This bill will help the worker. Period.

That is what we are trying to do here. If I thought that this bill would be against the worker, I would not do it. I would not vote for it. That is why, when I formed the teams in the company that I was working in, I was looking out for what was best for the worker, what was better for the employee, better for the management, and ultimately better for the customer.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Chairman, I rise today in opposition to the so-called TEAM Act, H.R. 743. This bill amends section 8(a)(2) of the National Labor Relations Act, the portion which prohibits the establishment of company unions, and it eliminates employee protections.

Mr. Chairman, in an earlier life, before I was elected to Congress, I actually helped manage a business. But I was also a union member at the same time. In small businesses, we have been using the team idea for many years. We did not know that is what it was called. But we also recognize that there were protections that were provided by Federal law.

Mr. Chairman, the intent of this legislation may be good, but its impact is to dismantle employee organizations and possibly set up sham unions or sham employee groups. I strongly favor a comprehensive labor reform bill, but not at the expense of the protections of the American workers. We should be fair not only to employers, but also to employees.

My colleague, the gentleman from Wisconsin [Mr. GUNDERSON], wants to resolve the question of whether workplace teams are legal under 8(a)(2). However, there is nothing under the NLRA, or any decision by the National Labor Relations Board or the courts, which prohibits teams or workplace cooperation.

The entire point of the National Labor Relations Act is to encourage employee empowerment. Employee empowerment is a creative and successful way to manage a business and increase productivity, as the gentleman from New York said, if it is done right. But there are no protections in this bill to keep someone from coming in and saying, "We are going to empower our employees, but we are going to select them. We are going to let them decide, but we are going to select who is going to make the decision on your pay." That is not what labor law is about.

Under current law and NLRB decisions, employers are free to use methods of production which rely on work teams. In 1977, the NLRB held that an employer has the right to set up a method of production which delegated significant managerial responsibilities to employee work teams.

This bill is a bill whose time has not come. Under current law and NLRB decisions, employers are free to use employee committees to consider issues. And, again, I support the idea of the team effort, but this bill actually takes away protections that we have enjoyed for 50 years.

Mr. GOODLING. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Kansas [Mrs. MEYERS], a member of the committee.

Mrs. MEYERS. Mr. Chairman, last week I sent around a "Dear Colleague"

which described a situation which could occur in any small business—an employee made a suggestion about summer hours to her supervisor, and the supervisor though it was a good idea. The supervisor liked the idea, and asked the employee to get a group together to discuss the matter, and found a room for the group to meet.

Unfortunately, under current law, this kind of situation could lead to problems for the employer. We aren't living in a vacuum anymore—globalization has taken over, and we need a team approach in the workplace to meet the challenges of the next century. We can't continue to isolate management and labor, as we have in the past.

This legislation simply allows team participation, on a voluntary basis, in the workplace. It would address the above situation by allowing employees to meet to discuss whether or not changes in the hours of work during the summer months would help them care for their family. It does not allow sham unions to be set up by an employer, and it is not an attempt to undermine legitimate union organization.

Let's give our workers the tools they need to compete and to determine their future. Support this bill.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. ROSE].

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Mr. ROSE. Mr. Chairman, I thank the ranking member for yielding time to me.

I come to the floor today to speak in opposition to H.R. 743, the Teamwork for Employees and Managers Act of 1995. Let me begin by saying that I support employee teams. This issue hits close to home for me. I represent a congressional district in a right-to-work State where many companies are on the leading edge of employee-manager teams. I have seen first hand that in the globally competitive economy of the 1990's, employee participation and cooperation in running a business is absolutely essential.

This is true throughout the economy. Statistics show that employees and employers are taking advantage of labor-management cooperative strategies. It is estimated that as many as 30,000 employers have some form of employee team or committee. In fact, 96 percent of large companies have them. Just today I heard from more than three of the major employers in my district who told me that they have long utilized employee teams with great success. After hearing how well these employee teams are working, I was left with a fundamental question: Why do we need to change the law that has allowed employee teams to proliferate so widely throughout the economy? The fact is we don't.

Whether or not this legislation passes, companies will still have the legal right to have a legitimate employee participation organization that deals with issues of productivity and quality. The question we're confronted with today is whether or not we want to expand this capability to allow company dominated committees that could discuss issues involving terms and conditions of employment? In my opinion this would be a mistake. Doing so would allow unscrupulous companies to allow these committees, hand picked by company management, to act as a bargaining agent with their employees. This would be a slap in the face to the working men and women who have already seen their wages and benefits stagnate over the past decade.

During the 104th Congress, I have cooperated with my Republican colleagues on many pro-business initiatives. I have done so because I believe that Congress has too long shackled American businesses with unnecessary and burdensome regulations. However, I cannot support this attempt to repeal a principle tenet of our Federal labor laws that has served both employees and management well for the last 60 years.

Let's not turn back the clock on 60 years of labor-management relations. Let's not change a law that has allowed employee-management teams to spring up in almost every major company in the country. Let's reject H.R. 743 when it comes before us later today.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Delaware [Mr. CASTLE], a member of the committee.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the TEAM Act, and want to thank Representative GUNDERSON for all his good work on this important legislation.

My colleagues, if we are truly concerned about our ability to successfully compete globally in the 21st century, the TEAM Act should pass. The House passed the CAREERS Act last week which assisted in preparing our national workforce; today, we will pass the TEAM Act which will help modernize the workplace.

Global competition has caused many American companies—including those in the State of Delaware—to abandon top-down decisionmaking in favor of giving employees a greater voice in the company's operations. Unfortunately, employee-employer cooperation is illegal under current law—section 8(a)(2) of the National Labor Relations AcT. The TEAM Act enables our companies to compete in the world marketplace that demands and requires the intellectual engagement of everyone involved—especially the employees. Employee empowerment in the workplace is not just a luxury, but a necessity.

To be sure, America's businesses will face great challenges from our global competitors as we move into the integrated marketplace of the 21st century. We will face these tests head-on. But, we cannot afford to remain encumbered by perhaps the biggest rival of all, Depression-era labor laws that inhibit productivity, cooperation, and the ability to promote employee job security.

Let's pass a commonsense act which will make today's often practiced employee-employer cooperation legal.

Mr. CLAY. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, a few moments ago my friend, the gentleman from New York [Mr. HOUGHTON], talked about the need of people to work together, and he is right. If this country is going to succeed, we all need to work together. But that is not what is happening in America today. The fault for that is not the working people, it is not the unions, but it is to a very large degree corporate America. It is not working together when companies replace striking workers with permanent replacement workers. And that is happening. That is not working together.

It is not working together when CEO's of large corporations pay themselves now 15 times more than what the workers are earning and give themselves huge bonuses at the same time as they cut back on wages and health benefits for their workers. Corporate profits are soaring. Wages, incomes are in decline. That is not working together.

It is not working together when corporate America says to its workers: Thank you for 30 years of your effort but we are taking the company to Mexico or China because we can get workers there for 20 cents an hour or 50 cents an hour. That is not working together. That is greed.

It is not working together when companies get in new automation and then throw their workers out on the street, as large corporations are doing by the millions all over America, rather than developing a plan to rehire and retrain their workers. It is not working together when corporate America fights those of us who are trying to raise the minimum wage from the starvation level of $4.25 an hour. The only effective way that workers have to protect their interests is to join a union. This law would help weaken unions. It is bad. Let us defeat it.

Mr. GOODLING. Mr. Chairman, I yield 4 minutes to the gentleman from Missouri [Mr. TALENT], a member of the committee.

Mr. TALENT. Mr. Chairman, I thank the gentleman for yielding time to me.

I too want to congratulate the gentleman from Wisconsin [Mr. GUNDERSON] on his fine work on this bill, which is a bill that frankly should be passing more easily than it is evidently going to pass. Let me give a concrete example of why we need this bill. Maybe we need to bring it down to concrete examples.

Suppose there is a workshop today, fairly small size, does not matter, 30 or 40 people. They have been doing a lot of

overtime work. They have been busy, which is a good thing. The supervisor goes to the plant manager and says, some of the people are complaining about the scheduling. We are doing all this overtime. It is interfering with people's ability to pick up their kids. Maybe when the day care at the end of the day care day or some people want to go on a couple day hunting trips they have been planning because deer season is starting and some of the people want to get together and talk about it. What are their options under current law? One of them the employers could form a union. They had that option under current law. They would have that option untouched, unchanged under this legislation.

The other is for the manager to decide what he is going to do and just do it. And if he did that, by the way, there is no problem with the National Labor Relations Act. He can be as dictatorial as he wants. There is no problem.

But if the manager says what we hope people would want to say in those circumstances, which is, sit down with a couple of your line supervisors, sit down with these folks and talk it over, come up with a couple of proposals, then come to see me about it and let us see what we can do, he is quite probably violating the National Labor Relations Act and we ought to change that. That is going on in tens of thousands of work places around the country and is quite probably illegal by virtue of several decisions, recent decisions of the National Labor Relations Board. That is why we need this bill.

The argument on the other side seems to be several-fold. I talked about a few of them earlier One of them is, there is really no problem, we do not need to do anything.

Here is what Chairman Gould, the Chairman of the National Labor Relations Board, appointed by President Clinton 2 years ago said. Let me read this real slowly, specifically addressing this issue. He says: "The difficulty here is that Federal labor law because, it is still rooted in the Great Depression reaction to company unions through which employers controlled labor organizations, prohibits financial assistance by employers to any labor organization that might affect employment conditions and additionally"—here is what he said the additional problem was—"the term 'labor organization' has been provided with a definition so broad as to include, potentially, employee quality work circles, other employee groups, 'teams,' and the like. Amendments to the NLRA that allow for cooperative relationships between employees and the employer are desirable."

That is what we are trying to do with this legislation.

People say there is not any problem, take it up with the Chairman of National Labor Relations Board. He says there is a problem and so do the employees and the employers and the consultants who came and testified at these hearings.

The other objection to this was pretty well highlighted by my friend, the gentleman from Vermont [Mr. SANDERS]. He said basically: Look, the employers of this country are big corporations, and they are going after the people, and we cannot trust them. I think there is a mind-set on the part of some of my distinguished colleagues in this body that really we cannot ever have cooperation, that it is a sham, that employees cannot protect their own interests, that the alternative of a union is not good enough for them and that we have to keep people from cooperating like this because really it is not a good thing and it will only result in bad things.

I understand that mind-set and the sincerity of it. It does not reflect modern America. It does not reflect what people want to do. Let us let people do something that has increased employee satisfaction, that has made our economy more competitive with economies abroad and competitors abroad. Let us just allow people to do this without a fear that a 60-year-old statute may come in and stop them from doing something that they like and that is good for America.

Mr. CLAY. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, let us try to make sure one thing is clear in this debate, both those who support and oppose the bill. No one objects to employee involvement committees. In fact, I think everyone would agree that, if we are going to remain the supreme economic force in this world, we must promote harmony between employees and employers. That is not the issue here.

The issue is how you look at section 8(a)(2) of the National Labor Relations Act. Most folks do not take the time to read it, but if we take a close look, what we will realize is that section 8(a)(2) has been the pillar protecting American workers against sham union companies created by employers. Maybe that is not a problem now, but 60 years ago that was.

Now to eliminate that protection under 8(a)(2) concerns a great number of people, not because we have companies that are doing this the right way with their employees, it is because we still have companies that are not doing it the right way.

Do we need H.R. 743? No, we do not. We do not need H.R. 743 because, as the majority, the sponsors of this bill admit in their own legislation, 80 percent of all large employers are already using employee involvement committees and over 30,000 workplaces already use them.

We have them. They have been growing even after the case that has been cited so often, Electromation, as the cause of H.R. 743. What we do find, however, is that, if we provide an allowance to an employer, he or she may begin to deal with employees on issues of wages, of working conditions, of benefits, health care, for example, than why should the employer go to a union or to employees that want to be unionized when in fact they can create its own committee and claim that it is now dealing with an employee organization. Then we get into the situation of a sham union. That is what concerns so many of us.

We do not need to change section 8(a)(2) to allow for employee involvement committees. We have them. And we have them flourishing even after the Electromation case that is the supposed reason for this legislation. But what we do find is that there is an undercurrent to try to undo the protection for workers.

If a worker knows that there is an employee committee out there, the worker probably wants to participate. But if the worker cannot decide who will serve on that employee committee, cannot decide what the basis of consideration will be for that committee's work and cannot decide when and if someone can be removed because that committee is no longer representing employees, we find ourselves working with not an employee committee but an employer-created employee committee. That is what we want to avoid.

Working men and women have never said: Let us make the decisions for this company. We are the workers. But let us be productive and let us to the degree we can, work together in making this company productive.

Do not let section 8(a) go. It has been the pillar of protection for workers against sham unions.

Mr. GOODLING. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Michigan [Mr. HOEKSTRA], a member of the committee.

Mr. HOEKSTRA. Mr. Chairman, I thank the gentleman for yielding time to me.

As chairman of the Subcommittee on Oversight and Investigations of the Committee on Economic and Educational Opportunities, this is one of the many areas that we have taken a look at. It is absolutely true that perhaps this was a problem 60 years ago. But today it is not a problem.

Today what we actually need to be doing is updating American labor law to not only enable American corporations and American employees to be competing in 1995, but we need to be laying out and creating the framework that these individuals and these corporations are going to be successful and are going to be creating world class jobs in America in the year 2000 and the year 2010.

Corporations and companies are participating in participative management. They are now doing it at their peril. Corporations in my district have been recognized consistently as being some of the best managed and the most innovative corporations in America. They have been recognized as some of the most innovative and some of the best world class corporations in the world because of this partnership that they have developed between employees and management.

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Mr. Chairman, when we go into these corporations, and we talk to management, they would like to do much more, their employees would like to do much more, but they are being constrained by the National Labor Relations Act. We need to make changes. This is a step forward, this is progress, this is going to help corporations and employees around the country.

Mr. CLAY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, much has been made today about a statement made that was uttered by the Democratic Chairman of the National Labor Relations Board. I would like to read into the RECORD what a former Chairman, Republican Chairman, of the National Labor Relations Board has said, and I quote. He says, and this is Mr. Edward Miller:

If section 8(a)(2) were to be repealed—

And that is what this legislation would do—

I have no doubt that in not too many months or years sham company unions would recur again.

He also said, Mr. Chairman, and I quote:

. . . the so-called Electromation problem . . . is another myth. It is indeed possible to have effective [employee-involvment] programs . . . in both union and nonunion companies without the necessity of any changes in current law.

Mr. Chairman, I think that speaks accurately to this bill today. It tells us why it is not necessary, because it will permit those sham company unions.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, first of all I would like to indicate that what the whip said and what my good friend from North Carolina said is positively incorrect. There cannot be a cooperative committee at the present time, not particularly because of the law, but because of the interpretation of that law, and we believe that 85 percent of the employees who are nonunion should have the same opportunity to develop a cooperative workplace agenda with management as the other 15 percent do under organized labor.

Now it is very clear at the present time the interpretation is it is legal if employer management calls all the shots in the workplace. That is legal. It is legal if management wants to abdicate their decisionmaking responsibility and have employees call all the shots. That is legal. The interpretation, however, of the board at the present time is it illegal if management and labor want to cooperate through a committee process to improve the quality, the safety, and the productivity of the workplace.

As it was mentioned before, and I quote Chairman Gould:

But, whether it be financial or otherwise, assistance to any groups that are involved in employment conditions ought not to trigger an unfair labor practice proceeding under the National Labor Relations Act. Amendments to the act that allow for cooperative relationships between employees and the employer are desirable.

Mr. Chairman, let me emphasize just as much as I possible can that we do not, I repeat we do not, eliminate section 8(a)(2). Section 8(a)(2) is still there to stop sham unions. My colleagues have heard that mentioned over and over again.

Opponents of H.R. 743 argue that the bill would undermine unions or impede the ability of workers to organize. Mr. Chairman, the legislation we are considering today does neither of these things. H.R. 743 is very narrowly crafted to eliminate any threat to the well-protected right of employees to select representatives of their own choosing to act as their exclusive bargaining agent. As reported by the committee, the bill specifically provides that it does not, I repeat "not," apply in unionized workplaces thus ensuring that unions, and only unions, will speak for employees in those workplaces that are organized. This bill does not create any opportunity whatsoever for employers to avoid their obligation to bargain with unions.

Even in nonunion workplaces, the reported bill contains many provisions designed to protect the right of employees to elect union representation should that be desired. The bill provides that work teams or committees may not negotiate collective bargaining agreements, nor may they act as exclusive representatives of employees. Thus, employees who want independent representation through a union always retain that right no matter how many committees or teams exist in the workplace. No employee is denied the right to democratic representation, as many critics charge, under this bill. Beyond the provisions dealing with the role of employers in workplace organizations, the bill retains every protection in current law designed to safeguard the access of employees to independent representation.

Again, Mr. Chairman, when we look at what is happening with the 15 percent, and I can think of a company in my district where these committees work beautifully, management and labor together, as was mentioned over and other again, and of course they mention many of the big corporations which, in many instances, are unionized; the beauty of that operation is that in the one workplace they even determine, the employee, whether the bike goes out to be sold or not, but for the 85 percent in my area who are not union, they do not have that opportunity. They either have to hope that management gives them total control, or they are stuck with the fact that management legally can have total control.

So I would hope that we would put some of this nonsense to rest and give all 100 percent of our employees an equal opportunity to determine how things will be in their workplace.

Mr. CLAY. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Missouri [Mr. GEPHARDT], the minority leader.

Mr. GEPHARDT. Mr. Chairman, I rise today to urge my colleagues to strike down the so-called Teamwork Act which in my view would deal a devastating blow to the working people of this country, and bring us back to a time when workers could be legally and openly exploited for the sake of a few corporate dimes.

My colleagues, even if the 104th Congress were to adjourn on this very day, without another vote, I believe this Congress would be remembered as the most antiworker Congress in the history of this country.

The fact is, at a time of declining wages and eroding job security, not only are the Republicans of this Congress failing to address the problem—they are actually making it worse.

They want to shred every last worker and workplace protection and on the alter of trickle-down tax cuts—lavishing more on those who already have the most, and taking it out of the hides of working families.

Why else would they oppose even a small increase in the minimum wage that is designed to make work pay more than welfare?

Why would we gut basic workplace safety laws that have protected tens of millions of workers from dangerous and even life-threatening abuse?

Why else would they cut back on enforcement of crucial wage and hour laws, which prevent hard-working people from being exploited on the job?

It does not take an economist to know that these cuts are regressive and wrong. Just consider this fact:

Corporate profits in the last 3 years have grown faster and larger than probably at any time in our history, and at the very same time wages have been falling by a greater rate than at any time in the last century. But this Republican Congress is not satisfied. They want to pass this so-called Teamwork Act which allows the kind of employer-dominated company unions that

deny workers the freedom to represent their own interest fairly and independently.

Mr. Chairman, this bill would let employers and managers at nonunionized companies dictate the terms of all labor-management discussion and negotiations, even though we outlawed that kind of dictatorship 60 years ago because it led to rampant employee abuse and exploitation.

If this bill passes, tens of millions of Americans will be forced to abandon the basic rights and protection of real collective bargaining, and herded into these sham unions. In effect, they will surrender all power and independence to their employers, whether they want to do it or not.

The result would be a damaging downward spiral, and the kind of America we read about earlier in the century in Upton Sinclair's "The Jungle": even more of the kinds of workplace atrocities and sweatshop standards that we have strived to eliminate for nearly a century.

The Republicans will tell us that we need this legislation to get workers and managers to cooperate. But the fact is, hundreds of leading corporations, unionized or not, are models of cooperation already. We do not need this to get cooperation, and how can there be cooperation if one side has all the power, all the prerogatives, and all the authority?

Does anyone really believe that multinational corporations do not have enough power now? Or that workers' interests do not need to be defended or protected?

This bill should not be called the Teamwork Act, it should be called the Unfair Play Act.

If it was not clear already, it should be painfully clear today: the Republican agenda is an extreme agenda—a partisan package of perks for the few and punishment for the many. I say to my colleagues, if you're a corporate giant or a millionaire stock speculator, then you're in luck. But if you're a hard-working American family who's struggling to survive, then these kinds of actions are an absolute nightmare.

Let us stop this wrong-headed bill, and let us get back to preserving our basic commitment to the hard-working families of this country. They are the backbone of this country, they made this country great, and it is time to stand with them and fight for them rather than trying to erode the hard-earned rights that they have worked for all these years.

I urge my colleagues to defeat this bill.

Mr. CLAY. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Missouri is recognized for 30 seconds.

Mr. CLAY. Mr. Chairman, today we have heard that section 8(a)(2) is a product of the 1930's that needs to be updated. In fact, section 8(a)(2) dates from the 1770's, not the 1930's. It stands for the basic democratic principle that representatives should be responsible solely to those they represent. That principle is as valid today as it was in 1776 or in 1935, and I urge defeat of this bill.

Mr. POMEROY. Mr. Chairman, I rise today in strong opposition to the so-called TEAM Act.

Proponents of the TEAM Act claim that employer-employee cooperation is the objective of their legislation. But as even the supporters of the bill state, 80 percent of America's largest corporations already utilize employer-employee teams to improve workplace productivity. That fact is, current law allows the creation of employee involvement programs to explore issues of quality, productivity, and efficiency.

So if teamwork is the goal, then this legislation is simply redundant. Unfortunately, the details of this legislation reveal that its effects are much more serious.

The TEAM Act would fundamentally undermine the rights of workers by allowing companies to hand-pick employee representatives of their workers. The problem with such a situation is obvious to anyone who has ever held a job. All of us have known coworkers whose sole mission in life is to ingratiate themselves with the boss. In North Dakota, we call them brown-nosers.

Whatever you call them, these people are the obvious choice of employers to represent the workers. Why? Because they are beholden to and serve the interests of the boss. I do not know of a workplace in America that would freely elect a patsy of the employer to represent their economic interests.

So I urge my colleagues to vote for the Sawyer amendment, which clarifies the legitimate function of employee involvement programs to improve quality, productivity, and efficiency. But vote against this bill and preserve the right of workers to freely assemble, elect their own leaders, and promote their own economic interests.

Mr. SKAGGS. Mr. Chairman, I urge my colleagues to defeat this bill and protect the right of working Americans to elect their own representatives to provide fair and independent representation at the bargaining table.

Working people have not always enjoyed an independent voice on the job in this country. Until the passage of the National Labor Relations Act [NLRA] in 1935, workers were not guaranteed the right to organize, the right to bargain collectively, or the right to engage in peaceful strikes and picketing.

Employers effectively fought off the attempts of their employees to form independent unions by setting up sham unions. Sham unions were employee groups set up and controlled by management. The purpose of the sham unions was to give employees the false impression that management was bargaining in good faith with its employees.

Under these conditions, true arm's-length bargaining between workers and management was not possible. The result was chaos in employee-employer relations. The economy and the social fabric of the country was torn apart by strikes and violent clashes between workers and management.

Senator Wagner of New York, who sponsored the NLRA, understood this. He believed that both the American economy and American society would improve if industrial relations were based on the same values as our democratic system of Government. His vision was a system of collective bargaining in which workers and management would sit down as equal parties, each capable of protecting themselves from intimidation.

Wagner believed that "the greatest obstacle to collective bargaining was employer dominated unions." To remove that obstacle, section 8(a)(2) of the NLRA makes it illegal for employers to "dominate or interfere with information or administration of any labor organization or contribute to financial or other support to it."

This protection has ensured that working people can elect their own representatives and organize without worrying about employer infiltration or meddling. It has given employees confidence that their interests are truly being represented in negotiations with management. The resulting peace between workers and management has contributed to the stability of the Amercan economy and to the prosperity that we have enjoyed since the Great Depression.

This measure risks undermining these fundamental protections in the NLRA by removing legal barriers which prevent companies from forming their own unions. It would amend section 8(a)(2) to allow employers to establish or participate in any organization or entity of any kind, in which employees participate, to address a range of issues including workplace conditions. The employee participation committees set up by employers could then be used by unscrupulous managers to bypass legitimate worker representative organizations.

There is nothing now in the NLRA that prevents employers and employees from working together in teams or legitimate cooperative arrangements as long as these arrangements do not act as a bargaining agent for workers. In other words—contrary to the claims of the supporters of this bill—there is nothing in the NLRA preventing management from setting up partnerships with labor to develop innovative and effective ways to improve workplace conditions and increase productivity. In fact, The National Labor Relations Board [NLRB], ruled in 1977 that employers have the right to set up work teams as administrative subdivisions if management decides that these units are "the best way to organize the work force to get work done."

The supporters of this legislation say that we need these reforms in labor law to deal effectively with the global economy of the 21st century. They say that we need to reform labor law to make it possible to have effective programs to involve employees in workplace initiatives. But in fact nothing in the current labor law invalidates employee participation in worker-management teams. The best proof of this is the number of employee involvement programs flourishing today. In fact, employee involvement is practiced in 96 percent of large firms today.

Just to make sure there was no question about this, the gentleman from Ohio, [Mr. SAWYER] offered his proposal to make more explicit that it is lawful to organize employee

groups to address competitiveness issues. Unfortunately, the Sawyer amendment was defeated.

If the TEAM Act really is not about teamwork, why is it being pushed by the Republican leadership? The truth is that the Republicans do not really want to take us forward, they want to take us back in time. They want to give employers much of the power they had 60 years ago to enable them to break the efforts of workers to organize and have a voice to negotiate fair wages and decent working conditions.

If this measure ever became law, it would threaten to overturn the system of workplace democracy that has promoted industrial peace and economic prosperity for three generations in America. Senator Wagner said it best, "The right to bargain collectively is at the bottom of social justice for the worker * * * The denial or observance of this right means the difference between despotism and democracy."

The Republican leadership has initiated an all out assault on working American families. They have pushed legislation through this Congress to undercut health and safety regulations in the workplace. They have cut pension protection activities and wage and hour enforcement operations. Now they want to bring back company unions. Enough is enough. I urge my colleagues to vote against this authorization measure.

Mr. HOYER. Mr. Chairman, I rise in support of the Sawyer substitute to the TEAM Act which is before us today.

Over the past two decades, the American workplace has undergone significant changes. One of the most important of these is the recognition that often, company employees are the best experts on increasing efficiency, improving product quality, and implementing new, innovative ideas. If America is to compete in the global marketplace, management and labor must work together to tap this built-in reservoir of knowledge, using it to strengthen our Nation's economy, generate fair profit, and create jobs.

And across this country, companies are doing just that. More than 30,000 employers have instituted employee involvement plans, including more than 96 percent of large firms. Employee recommendations on a wide range of issues, both large and small, are contributing to company productivity, workplace safety, employee satisfaction, and the bottom line.

The authors of the TEAM Act state that companies are confused about what sort of employee involvement is permitted under the law. The TEAM Act authors ask Congress to legalize employee involvement. Clearly, employee involvement is currently legal. In fact, employee involvement is breaking out all over.

The TEAM Act would undermine, not improve, employee involvement in company decisions. Under the TEAM Act, employers would be permitted to establish company-controlled employee organizations. Not only does this fly in the face of 60 years of labor law, company control of these organizations contradicts the very premise of employee involvement: That the employees, who know the workings of the company as well as management, ought to be respected as full partners in efforts to improve them.

The TEAM Act is unnecessary and unwise. In attempting to address confusion in the area of what employee involvement teams are acceptable, it undermines the right of employees to select their own representatives in employer-employee bargaining situations. The Sawyer substitute, which I support, would clarify the range of acceptable employee involvement practices while preserving the spirit and the letter of employee self-representation. I urge my colleagues to vote yes on the Sawyer substitute.

Mr. CONYERS. Mr. Chairman, I grew up in a family that strongly supported the notion that working people ought to be able to join a union and have collective bargaining to determine their wages, benefits, and working conditions.

My father rose through the ranks of the United Automobile Workers, and when he retired, he was an international representative for the Chrysler Department at Solidarity House in Detroit, MI. So for me, nothing could be clearer, than the myriad problems that are presented with this legislation we are debating today. I have little inclination to further weaken the rights of America's working men and women, in terms with their relationship with their employer.

Proponents of this measure claim that the bill will promote a team-like relationship between management and labor. This legislation will not promote cooperation between management and labor, but rather undermine independent representation in the workplace.

This bill will create an unfair balance of labor relations in favor of management. Management will be able to determine the employees representative, write organization bylaws, and establish the organization's mission, jurisdiction, and function. This will take working Americans back 60 years, to the days when company unions were legal. In 1935, Congress enacted the provision of the National Labor Relations Act which specifically prohibited against employer-dominated worker organizations. We saw first hand the dangers of company unions—we cannot afford to see them again.

The enaction of this bill would be devastating to the state of the American work force. While productivity and corporate profits are up, wages for the majority of American workers continue to decline. Workers must take on second and third jobs just to provide for their family the same as they did 20 years ago. The Team Act would further limit the workers' voice during bargaining, leaving union and nonunion workers in worse shape. It is no wonder that this bill has virtually no support from workers—it is unfair and undemocratic.

I ask that two letters be included with my comments. These letters are from people who certainly understand the potential dangers of this legislation. One is from Joseph Lyscas, from Shopmen's Local Union No. 508, of the International Association of Bridge, Structural and Ornamental Iron Workers Union, in Dearborn Heights, MI. The other letter is a gentle reminder of the president of local 26, of the United Food and Commercial Workers, Mr. James Franze.

I urge my colleagues to reject this unfair legislation.

SHOPMEN'S LOCAL UNION NO. 508,
INTERNATIONAL ASSOCIATION OF
BRIDGE, STRUCTURAL AND ORNAMENTAL IRON WORKERS, AFL–CIO,
Dearborn Heights, MI, September 26, 1995.

Representative JOHN CONYERS, Jr.,
House of Representatives, Washington, DC.

HONORABLE JOHN CONYERS, JR.: As a strong supporter of yours for years, we are requesting that you vote no on H.R. 743. Teamwork For Employees and Managers Act of 1995 ("Team-Act") on Wednesday, September 27, 1995.

H.R. 743 is another union busting scheme designed by the Republican House Leadership. Section 8(A)2 of the National Labor Relations Act prohibits employer-dominated worker organizations. The Team-Act would change Section 8(A)2 by allowing management to create the types of employer-dominated entities. The original law was designed to prohibit, specifically "Company Unions". It would not foster cooperation, but would perpetuate dysfunctional work relationships, and would threaten basic collective bargaining rights. In short, the legislation would limit the basic worker rights of independent employee representation.

The Team-Act promotes a brand of "Company Unionism" that was outlawed over sixty (60) years ago. This legislation will not promote cooperation between management and labor, but rather undermine independent representation in the workplace.

We have every confidence you will vote no on H.R. 743 and do what is right for Michigan's working families.

Sincerely yours,

JOSEPH F. LYSCAS,
Business Agent,
Shopmen's Local Union No. 408.

LOCAL 26, UNITED FOOD &
COMMERCIAL WORKERS, AFL–CIO,
Detroit, MI, September 22, 1995.

Congressman JOHN CONYERS,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN CONYERS: The 2500 members and registered voters of UFCW Local 26 strongly urge that you and your colleagues protect independent representation in the workplace and vote against H.R. 743, the TEAM Act, when it comes to the House floor Wednesday, September 27. UFCW Local 26 and the UFCW International, which represents 1.4 million members, will be watching to see how you vote on this crucial legislation.

Sincerely,

JAMES V. FRANZE,
President.

Mrs. SMITH of Washington. Mr. Chairman, I am glad that the Congress is taking up the issue of high performance teams in the workplace. I have had an opportunity to work with some of the most knowledgeable people on this subject, the hardworking members of the AWPPW. These hardworking men and women have forged good teamwork relations at the James River's Camas mill to boost production, cut costs, improve working conditions and move their company into a better competitive position. Because they are unionized, the National Labor Relations Act allows them to form teams to improve their working conditions and improve their company's competitive standing.

Hundreds of thousands of American workers are denied the benefit of becoming involved in the decisionmaking process in the workplace because the National Labor Relations Act does not recognize their right to take part in the team process because they are not a part

of a union. Every American, union member or not, should have a fundamental right to be more than a worker for their company. They deserve the right to be part of the success of that company. The Team Act will allow them to do so by giving employers and employees the right to address critical issues in the workplace and an ad hoc or more formal basis. We cannot miss this opportunity to empower employees by giving them a voice in the workplace through employee involvement in high performance teams.

The Team Act is not a tool to be used to deprive workers of their fundamental right to be represented by a union and people of their choice. The Petri amendment assures us that teams cannot be formed in union shops without the consent of the union. Many workers I know have welcomed the formation of teams. No longer must they wait the next collective bargaining round to recommend better safety measures or work processes. No longer must they struggle through the bureaucracy of their union or the bureaucracy of their company to better their lives and the productivity of their workplace. Now, because of labor's involvement, the Petri amendment guarantees organized labor's rights will not be diminished in union shops. I believe that it is the intent of the Team Act to promote better efficiency and cooperation in the workplace. We can do this with labor and management working together.

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to this bill.

Mr. Chairman, this bill was written to suppress the rights of workers. What is worse is that the one case that they cite as an example of the need for this legislation, electromation, was one of the most glaring abuses of workers' rights that has come before the NLRB in a long time—so glaring that all five of the Reagan-Bush appointed board members voted against the company, a decision confirmed by the Seventh Circuit Court of Appeals.

There is nothing in the law or the policy of the NLRB that threatens or discourages employers from forming work improvement teams. The law does allow, and there do exist, employee groups for those purposes in both unionized and nonunion workplaces.

This amendment to the National Labor Relations Act, however, would change that and would give employers greater capacity to discourage employees from organizing themselves.

That fits in with the notion that some employers and some Members of this Congress have that unions are inherently evil and must be destroyed.

Mr. Chairman, I was the owner of a small business before coming to Congress, one where I was quite successful, and where I had assembled a cadre of employees with whom I worked closely to ensure that they were successful as well. Before I created that business, I was an ordinary worker, both in union and nonunion settings. As a business owner and as a worker, I recognized the benefits of cooperation in the factory.

Cooperative approaches to day-to-day work leads to more acceptance of the rules and less contention in the shop.

If workers are offered the opportunity to make suggestions, communicate their concerns, and explore their ideas, both workers and management will benefit.

And, we are told, since the 1970's the number of cooperative working arrangements that exist in America's workplaces has exploded, over 30,000 employers, 96 percent of the country's largest companies, use some form of teamwork in their operations.

To say that there is a chilling effect on the formation and continued operation of these cooperative working groups because of the very few cases that have arisen in the past 20 years is simply not supported by the facts.

Remember the avowed purposes for this act? "To protect legitimate employee involvement programs, from governmental interference."

Well, I submit that the bill goes well beyond those purposes.

Legitimate employer involvement programs, those that do not abridge the rights of employees under collective bargaining agreements, are already legal under the National Labor Relations Act.

There is no need for this bill to protect legitimate programs.

This bill, I submit, protects illegitimate programs, those that are the equivalent of company unions about which my father and many other fathers warned us.

Company unions formed and nurtured by employers who would emasculate their workers and keep them in substandard workplaces, with no benefits.

Another avowed purpose is to preserve existing protections against deceptive and coercive employer practices but there is nothing in the bill that protects employees at all.

The third purpose says it all: "To allow legitimate employee involvement programs, in which workers may discuss issues involving terms and conditions of employment, to continue to evolve and proliferate."

Whenever employees meet with employers to discuss terms and conditions of employment, there is the potential for conflict.

As a worker, the employee wants more pay or more benefits as a condition of continued employment.

Management, on the other hand, wants to keep its labor costs low.

That is the nature of the workplace.

To say that management should be able to form teams, select the members of those teams, both management and worker members, and set the agenda for the team, this is clearly a company union that Senator Wagner argued so forcefully against at about the time I was born.

The conditions have not changed in my lifetime.

The Wagner Act has stood the test of time, it has enabled both management and labor to meet and negotiate on a level playing field.

Rather than empowering employees to cooperate with management, this TEAM Act will drive a wedge between management and labor and will, I predict, lead to the greatest labor strife we have had since the Second World War.

This is a bad bill, vote against it.

Mr. VENTO. Mr. Chairman, I rise in strong opposition to the pending legislation. H.R. 743 is an unneeded intrusion into worker-management relations that so corrupts the negotiation process to make it virtually meaningless.

Once again, the Republican majority party in this House seeks to roll back the rights of working men and women and once again they claim that that is not the case.

The proponents of H.R. 743 claim that this legislation is needed to overturn a National Labor Relations Board decision. However, the facts indicate that this legislation is not needed. Such organizations continue and the number of businesses utilizing them is growing. As the statement of findings in this very legislation points out, employee involvement programs have been established by over 80 percent of the largest employers in the United States. In addition, such activities are ongoing today and the Court of Appeals decision, which upheld the NLRB, specifically stated that its ruling "does not foreclose the lawful use of legitimate employee participation organization." However, these communication activities must not and should not interfere with the National Labor Relations Act.

Unfortunately, the real effect of this legislation is to permit employers to impose on their employees worker representation organizations under the employers' control. This bill harkens back to the earlier history of company-controlled unions. These organizations can then be used to impede employee efforts to organize or undermine the authority of an existing union. In essence, this proposal will destroy the fragile balance between employee rights to organize and bargain collectively and employer-employee communications.

American businesses and workers face many challenges in the international marketplace. In order to remain competitive, a spirit of cooperation between employers and employees must be the hallmark of operations. However, the reestablishment of these corporate unions will not accomplish that goal. Instead these employer dominated unions would drive a wedge into employer-employee relations, co-opting the formal tenants of the National Labor Relations Act in the name of harmony. In the end hurting working families and creating mistrust.

Mr. Speaker, in a 1989 joint session of the House and Senate, the American people heard Lech Walesa, then chairman of Solidarity, speak about the long and successful struggle of the Polish workers against the totalitarian, communist regime in Poland and the victory of democracy in all of Central Europe. In that moving address, Chairman Walesa thanked the American people and Congress for our support and assistance. He spoke of the United States as a beacon of freedom for working men and women worldwide. He spoke of the moral support that Americans provided. He spoke of President Bush, speaking in Gdansk in front of the Fallen Shipyard Workers Monument, and sending a message to Polish workers that the American people strongly supported their right to organize and to oppose company and party controlled unions.

Today, the Republican majority, with this legislation, is dimming the American beacon of freedom and the rights of American working men and women, setting back what has offered hope around the world to working families. By enshrining business controlled unions with a congressional seal of approval, the Republicans are seeking to stifle American working men and women and to deny them the right to legitimate union representation. I urge

my colleagues to reject this bad retrenchment in workers rights and to respect the rights of the millions of working families we in Congress represent. I urge the defeat of H.R. 743.

Mr. STOKER. Mr. Chairman, I rise today in strong opposition to H.R. 743, the Teamwork for Employees and Managers [TEAM] Act. Under the current Republican leadership in the Congress we have been faced with an unprecedented amount of legislation that negatively affects the rights of working Americans.

Unfortunately, in the rush to pass legislation implementing the Republican "Contract With America,' there has been little time to analyze and consider the implications of these bills. From challenges to collective bargaining rights in the repeal of section 13(c) of the Federal Transit Act to efforts to weaken workplace safety requirements in H.R. 5, the Unfunded Mandates Reform Act, a clear pattern has emerged that is clearly hostile to the American worker.

Today, the House is considering H.R. 743, the Teamwork for Employees and Managers Act. This measure is designed to amend section 8(a)(2) of the National Labor Relations Act [NLRA] to greatly expand employers' abilities to establish employee involvement programs. Section 8(a)(2) of the NLRA states that it is an unfair labor practice for an employer to dominate or interfere with the formation or administration of any labor organization. This provision protects employees from the practice of an unscrupulous employer attempting to create company, or sham, unions, although H.R. 743 does not state an intent to repeal the protection provided by section 8(a)(2), H.R. 743 would undermine employees protections in at least two key ways. First, the bill would permit non-union employers to establish company unions. Second, it would allow employers to establish company-dominated alternative organizations designed to undermine employee self determination. Unfortunately, the amendment of section 8(a)(2) represents a clear and unrestrained attack on the working men and women of this country.

Mr. Speaker, the scope of this legislation is tremendous, H.R. 743 would be applicable to approximately 90 percent of all American workers. The large reach of this bill will ensure that two sets of workplace rules are established, one for unionized firms and another for non-unionized firms. Under current law, this two-tier set of rules is not permissible or desirable. We should maintain our current commitment to employee independence and democracy protected by section 8(a)(2). We should not enact laws that experience has demonstrated would simply be disadvantageous to the Nations working people and workplace democracy.

Contrary to the claims of the new Republican majority that the amendment of section 8(a)(2) will result in cost savings and increased efficiency, the majority's real objective is to take away from the American worker the rights and privileges they have worked so hard and so long to achieve. I have been a consistent and steadfast supporter of greater flexibility and improved management techniques in the workplace. To be more competitive and effective in domestic and international markets industry should strive to incorporate innovative thinking. But the price for this innovation should not be the basic rights of American workers. Under current law, the creation of employee involvement programs that explore issues of quality, productivity, and efficiency, with the appropriate precautions is not only permissible but is strongly encouraged.

Section 8(a)(2) in no way prohibits employee involvement; the law merely establishes a single ground rule by making it unlawful for an employer to involve employees in dealing with wages or other terms of employment through an employer-dominated employee organization or employee representation plan. Employer-dominated representation in dealing with employment conditions is thus the only form of employee involvement prohibited by section 8(a)(2). All other types of employee involvement programs, including for example work teams, quality circles, suggestion boxes, or other communication devices are entirely lawful under current law. The fact is that H.R. 743 goes well beyond its legitimate objectives, and ignores the fact that a less intrusive means to achieve the same goal exists now.

Mr. Speaker, there is no doubt that section 8(a)(2) now under attack has helped maintain a workplace environment conductive to progress in the areas of job security, fair wages, and working conditions for thousands of America's union and non-union workers alike. H.R. 743 is a one-sided bill which, if amended as proposed, would tilt the scales in the favor of any anti-union employer that wants to exploit this proposed legislation. This legislation overturns well settled labor law. The delicate balance between labor and management that has been fashioned over the years will be upset by this legislation, because it gives employers the ability to control all aspects of workplace decisionmaking.

Beyond the fact that the section 8(a)(2) has been good for America, it has also proven to be the right thing to do. The rights of workers to choose whether or not to—and how to—organize themselves is essential to the American labor force. The rights of union and non-union workers to choose their representatives is fundamental. With limited opportunity for debate and hearings this amendment of the section 8(a)(2) is clearly an unjustifiable circumvention of the procedures of the U.S. House of Representatives. This attempt to short circuit the process can only have one result, the compromise of not only the rights of American workers but also the rights of the entire American public.

Mr. Speaker, in closing, H.R. 743 reflects my colleagues' desire to sacrifice the interests and obligations of this country to the working men and women of America in exchange for short-term gain and inequality. I urge my colleagues to vote against this bill.

Ms. PELOSI. Mr. Chairman, I rise today to oppose this legislation. This legislation will actually legalize employer domination of worker organizations and represents a return to the bad old days of company unions.

Under this bill, corporate chieftains would be entirely free to create, mold, and terminate employee organizations dealing with wages, benefits, and working conditions. This bill allows management to select employee representatives, determine the employee organization's governing structure, and establish the employee organization's mission. Where is the worker's voice?

Furthermore, the bill gives employers the unfettered right to fashion employee organizations to the employer's own liking, and to disband them if and when the employer chooses.

Mr. Speaker, when the National Labor Relations Act became law, it stood for the fundamental proposition that representatives of working men and women should be exclusively responsible to those they represent. If they are responsible to management, they cannot be an independent voice for workers.

In a Congress where the majority party has attempted to eliminate OSHA and defund the NLRB, H.R. 743 represents yet another attack on our Nation's working people.

I urge my colleagues to honor their working constituents and vote "no" on H.R. 743.

Mr. BROWN of California. Mr. Chairman, I rise today in strong opposition to H.R. 743, the so-called TEAM Act.

Although the bill's name appears to promote collaboration between labor and management, in reality I believe that it would undermine the right of wcrkers to form their own independent organizations.

I support the idea of creating workplace productivity teams. It's clear that such labor-management cooperation is necessary so that American workplaces continuously improve and increase productivity and worker satisfaction. However, I strongly believe that such teams should be convened through the chosen organizations of workers.

As the TEAM Act stands, I am afraid that it would cause unnecessary friction in labor-management relations in our Nation. Employers would be given carte blanche to pick and choose which employees will serve on employer created committees, control the agenda, and basically gag employee rights to represent themselves freely and independently. In effect, this bill would return the American worker to an era governed by employer dominated "company" unions.

The guaranteed protection of workers' rights to form independent labor organizations is essential both to guarantee that employees enjoy the democratic right to choose their own representatives, and to assure that a chosen employee representative is accountable only to the union he/she represents.

When it originally enacted the National Labor Relations Act [NLRA] in 1935, Congress made a pact with American workers. In this pact Congress declared, in no uncertain terms, that when it came to balancing the interests of employers and workers it should not be one sided. A specific prohibition against employer dominated worker organizations was thus included as a cornerstone of the NLRA.

The fact is that real labor-management cooperation is designed to promote quality and productivity, and Congress has long recognized that to allow employers to completely dominate workers is fundamentally antidemocratic and contrary to basic American values and beliefs.

Mr. MORAN. Mr. Chairman, I agree that we need to give businesses the flexibility to creatively address the problems that occur in today's workplace. Unfortunately, this legislation's bottom line is that management will have carte blanche authority to create, mold,

and terminate employee organizations dealing with issues such as wages and benefits.

The amendment that I offer does not affect the tens of thousands of currently existing employee involvement groups. It does require that groups formed to discuss terms and conditions of employment be democratically elected.

Employee involvement groups have been successful at developing creative solutions in a flexible environment. Such issues as wages and benefits, however, deserve a higher level of scrutiny. My amendment provides that higher level of scrutiny. If management wants to create a group to discuss such issues, it can not pick the employees' representatives.

The National Labor Relations Act does not allow these groups to discuss terms and conditions of employment. The TEAM Act would abolish this restriction and allow employee involvement groups to address any topic. The Sponsors of this bill will tell you that this change is necessary to remove an obstruction to greater productivity, and that without it's removal American businesses will fall far behind their foreign competitors.

This portion of the National Labor Relations Act was enacted in 1935 to abolish sham unions. Sham unions flourished in the 1920's and 1930's, but they are not a thing of the past. The courts in this country see dozens of sham union cases each year. The statute we are replacing today is the only mechanism preventing the formation of sham unions.

Former NLRB Chairman Miller, now an attorney representing management interests, recognized this. He said "If [this section] were repealed I have no doubt that in not too many months or years sham company unions would again recur."

As the Congress proceeds to change labor law, we must not deprive workers of the basic right of choosing their own representatives. My amendment allows employee involvement groups to discuss these issues, and it guarantees fairness by requiring elections.

Ms. BROWN of Florida. I rise in opposition to the Teamwork for Employers and Managers [TEAM] Act. The so-called TEAM Act is anything but a team act.

This one-sided bill would dramatically tip the scales in management's favor by allowing them to create, mold and terminate employee organizations at will. The result would be devastating for workers in existing unions.

The TEAM Act would, by allowing company unions, deny fundamental democratic rights that employees currently enjoy, both union and nonunion workers.

The employee organizations created by management under TEAM Act would be under the total control of management, allowing them complete control over the workers in the employee organization.

Under TEAM Act, any understanding between employers and employees would not be legally binding, so the employer could rescind any agreement at their discretion.

Mr. Chairman, this is a bad bill. I urge my colleagues to vote against the TEAM Act.

Mr. TORRES. Mr. Chairman, the so-called TEAM Act would deny employees one of their fundamental rights under the National Labor Relations Act, which is the right to be represented by their own, independent representatives, who are accountable only to the employees, in their dealings with management regarding the terms and conditions of their employment.

This right has been established through a historic process of workers struggles. This right, which would now be abrogated by the TEAM Act has been a cornerstone in the legislation which as provided industrial democracy and true teamwork since its enactment.

This legislation, if enacted, would return this country to the laizze-faire, industrial practices of the 1920's and 1930's, in that it would open the doors for companies to form "company" associations whenever they felt the need to do so.

Feeling confident of their vote majority in the House of Representatives, the Republican leadership, with this legislation, is continuing its assault upon the institutions and protections of working Americans.

Current efforts to correct deficiencies in H.R. 743, specifically the Petri amendment perpetuate the antiworker democracy provisions of the TEAM Act, and leaves in place the anticollective bargaining implications of H.R. 743.

This legislation will provide valuable assets to those who seek to teardown the legal protections which have provided a level playing field in the area of worker and management relations.

This legislation is one more effort by the new Republican majority to dismantle protections which have been established over the past sixty years for working Americans. This legislation is a key plank in the Republicans radical and revolutionary efforts to bring down working American's wages and benefits, to compete with Third World economies.

The Team Act is bad legislation, will be used against the legitimate democratic rights of American workers, will further the polarization of employees against employers. It is written in words which appear to represent the needs of workers, but in fact is a trojan horse which will further dismantle working American's protections and rights.

For the sake of balance and fairness in the American workplace, I urge you to defeat this bad bill.

Mr. LIPINSKI. Mr. Chairman, I rise today in opposition to H.R. 743, the so-called TEAM Act. This bill would fundamentally change the National Labor Relations Act by amending section 8(A)(2), which makes employer-dominated workplace committees illegal.

Supporters of the TEAM Act claim that this bill is necessary for businesses to encourage employee involvement in labor-management work teams. There is no doubt that teamwork is key to successful efforts to design, manufacture, and deliver new and improved products and services. However, close to 30,000 employee involvement programs already exist in businesses throughout the Nation. There is nothing in the law that prevents employers from forming cooperative labor-management committees.

What section 8(A)(2) does prohibit is an employer organization that dominates or interferes with an employee organization that deals with the employer on terms and conditions of employment. This restriction is a fundamental feature of American labor law, established to ensure employee independence and freedom. By removing the protection of section 8(A)(2), employers would be able to form employee organizations that would address terms and conditions of employment, such as wages, hours, and work conditions. Employers would also be able to select its leaders and dictate exactly which issues would be discussed.

In effect, employees would lose their democratic rights in the workplace. Their right to organize would seriously be impeded. Under employer-dominated organizations, they would no longer be able to chose their own representatives. They would not even be able to decide which issues of concern would be discussed. This is not employee involvement—it is employer control.

By allowing employer dominated employee organizations, the TEAM Act will simply place yet another barrier between employers and workers who want to have a true voice on the job. Only when employee representatives are free from employer manipulation are the interests and concerns of the represented thorougly and adequately voiced.

The TEAM Act is an unwarranted piece of legislation that will once again silence workers, bringing back sham company unions to the American workplace. We cannot afford to regress back to the days when workers had no rights. Please join me in opposition to H.R. 743, the TEAM Act. Thank you.

Mr. ROEMER. Mr. Chairman, I rise in opposition to H.R. 743, the Teamwork for Employers and Managers Act. This legislation grew out of a 1992 National Labor Relations Board decision involving the Electromation case in Elkhart, Indiana, which is located in my District. It was this case that refocused attention on the National Labor Relations Act and employee involvement programs. Sponsors of legislation argue that it is this case that clearly points out the need for change in the current law.

The Electromation case arose when new management of the company decided to alter wage increases for employees. Within 2 weeks of the changes, a group of employees submitted a petition to management protesting the loss of benefits while at the same time, employees sought to form a union to represent their interests. In response to the employees' action, the company formed five Action Committees and selected the employees who were to serve on the committees and decided the areas of each committee's jurisdiction. The company established the size, responsibilities and goals of each committee and decided when the committees would meet. The committees had no authority to implement decisions, rather, they could only draft proposals for management's acceptance or rejection.

The case went before the National Labor Relations Board, which was composed of 5 members appointed by President Reagan and Bush. The board unanimously decided that the company had violated Section 8(a)(2) of the National Labor Relations Act which prohibits an employer from dominating or controlling the employee representatives who deal with management on employee wages or other terms of employment. In 1994, the U.S. Court of Appeals for the Seventh Circuit unanimously affirmed the NLRB's decision.

Mr. Chairman, the proponents of H.R. 743 maintain that Section 8(a)(2) prevents or inhibits its cooperative labor-management efforts to make the workplace more productive. There is nothing in the current law that prohibits legitimate labor management cooperation. In fact, there are tens of thousands of these labor-management cooperation programs in existence today. The proponents argue that a change in the law is necessary to enable employers to establish work terms or legitimate labor management cooperation programs.

As the minority views in the Committee's report on H.R. 743 so clearly point out, "we believe that this Nation must prosper in an increasingly competitive and information driven economy where, at every level of a company, employees must have an understanding of, and a role in the entire business operation. Moreover, in order to deal with the globally competitive economy of the 21st Century, it is important that U.S. workplace policies reflect a new era of labor-management relations—one that fosters cooperation, not confrontation".

H.R. 743 does not promote an atmosphere of cooperation in the workplace. Rather, it would undermine the rights of workers and the efforts to achieve real "teamwork" in the workplace. I urge my colleagues to vote against this legislation.

Mr. GUNDERSON. Mr. Chairman, the Teamwork for Employees and Managers Act of 1995 enables increased employee involvement in nonunion workplaces. However, in order to have an honest debate, we need to have an understanding as to the nature of the problem. And there is a problem.

Given the intricacies of labor law and the fact that most of us here are not labor lawyers, let me make this as simple as possible. Today, a nonunion employer may unilaterally impose any decision regarding how employees work, when they work and the job they do. If the employer seeks to work with their employees to devise a mutually beneficial solution to those issues, the employer violates the National Labor Relations Act of 1935 [NLRB].

Joint decisions are illegal in nonunion workplaces because of the interaction of two sections of the NLRB: Sections 8(a)(2) and section 2(5). The pertinent part of section 8(a)(2) reads:

8(a) It shall be an unfair labor practice for an employer:

(2) To dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it; NLRB sec, 8(a) (2); 29 U.S.C. sec. 158(a)(2).

So it appears as if a nonunion employer cannot dominate or interfere with a union. A quick look at the definitions section of the NLRB makes clear that the legal definition of "labor organization" is much broader than labor union, however. Section 2(5) reads:

Labor Organization—The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees participate and which exists for the purpose, in whole or in part of dealing with employers concerning grievances, labor disputes, wages, rate of pay, hours, of employment, or *conditions of work*. (emphasis added). NLRA sec. 2(5) 29 U.S.C. sec. 152(5).

Essentially, a "labor organization" is any group of employees that "deals with" employers on conditions of work. The phrase "dealing with" is very important here. In *NLRB* v. *Cabot Carbon Co.*, 360 U.S. 203 (1959), the Supreme Court defined "dealing with" as broader than just collective bargaining. Instead, the term "dealing with" involves any back and forth discussion between a group of employees and the employer. In short, the definition of labor organization makes it illegal under section 8(a)(2) for nonunion employers to start up teams to address and resolve issues with their employees.

Let's look at an example. Suppose a small, nonunion manufacturing company has dramatically increasing worker's compensation rates. A reasonable assumption is that plant safety has decreased, resulting in more injuries and lost workdays. In response, the management implements a plant-wide health and safety committee by asking for volunteers from every area of the company from design to accounting to line and shipping employees.

The committee is established, meets on company time and the company furnishes the supplies—paper, pencils, current safety plan, etc. After three meetings over the course of six weeks, the committee pinpoints that many of the injuries are eye injuries and foot injuries. Working together, the committee devises a custom-made set of safety glasses and agrees that the company should purchase lighter but sturdier safety shoes.

The example is oversimplified, but the establishment and operation of this committee is a clear violation of section 8(a)(2). The group of employees participated in a group that "dealt with" management. The issue they addressed—health and safety—involved conditions of work, namely the safety equipment production and shipping employees were expected to wear. The employer dominated and interfered with the group by initially asking for volunteers and by having it meet on company time and with company supplies. In an era of global competition, it appears that the law is antagonistic to cooperation.

WHY THE NLRA IS SO BROAD

After the Great Depression, in 1933, Congress passed the National Industrial Recovery Act to give employees the right to bargain collectively through independent unions. However, the Recovery Act did not adequately protect that right and lacked sufficient enforcement mechanisms. In many companies, management set up company-dominated or "sham" unions where union leaders were merely tools of management. Management then blocked the formation of independent unions on the grounds that employees were already represented by the company-dominated organization.

The NLRA was drafted to level the playing field between employers and employees and to end employer domination of employees through sham unions. Legislative history from the debate over the NLRA indicates that Congress intended to prohibit the practice of company-dominated unions; however, even Senator Wagner, the sponsor of the Act, stated that "[t]he object of [prohibiting employer-dominated unions] is to remove from the industrial scene unfair pressure, not fair discussion." In other words, it appears that Congress intended to remove obstacles to independent unions for collective bargaining, yet intended to permit structures which promote employer-employee discussion and cooperation.

THE ELECTROMATION CASE

On December 16, 1992, the National Labor Relation Board [NLRB or Board] issued its decision in Electromation, Inc. The case was considered both a litmus test for how the Board would treat cooperation cases and a chance for the Board to clarify what types of cooperation were legal under Section 8(a)(2) of the NLRA. The Board ruled unanimously that the company Electromation had violated Section 8(a)(2) by establishing five "action committees" to deal with workplace issues: absenteeism; no smoking policy; communications; pay progression; and attendance bonus.

The Board found that by establishing and setting the size, responsibilities and goals of the five committees, the company dominated or interfered with a labor organization: a group of employees (the committee members), which dealt with management, on terms and conditions of employment (the subjects the committees dealt with). Far from clarifying the breadth of cooperation, the Board's decision in Electromation and subsequent cases have muddied the employee involvement waters.

EMPLOYEE INVOLVEMENT IS USED WIDELY

Today's modern workplace includes employee participation committees and teams of all sorts which are as unique as the workplaces in which they are established. From total quality management committees which include gainsharing to self-directed work teams, over 30,000 workplaces nation-wide are using cooperation to improve employee morale and increase productivity and competitiveness in the workplace.

This has been acknowledged by many officials in the Clinton administration. Secretary of Labor Robert Reich noted: "High-performance workplaces are gradually replacing the factories and offices where Americans used to work, where decisions were made at the top and most employees merely followed instruction. The old top-down workplace doesn't work any more."

Perhaps even more enlightening is Vice President Al Gore's recent report on reinventing government. On page 26 of the report, the Vice President lauds the Maine 200 OSHA program because it requires employee involvement: "Employer/worker safety teams in the participating firms are identifying—and fixing—14 times more hazards than OSHA's inspectors ever could have found * * *" What the Vice President neglects to mention is that it is illegal for worker teams to fix safety problems if it is a nonunion company.

Employee involvement is found nationwide. In my rural western Wisconsin district, I have several companies which use teaming. Jerome Foods, a major turkey farming and manufacturing company in Barron, has experienced substantial gains both in employee morale, customer service, and productivity through teaming.

For example, in its farming operation, the company has reduced back stress by redesigning the equipment it uses to transfer young turkeys from the nursery to the main barn. As a result, employees no longer have to lift a 100-pound gate.

In its manufacturing operation, the White Meat Boning Process Improvement Team revised how the meat is cut, added drip pans to reduce floor waste (improving safety) and revised inspection procedures. These rather minor changes save over $60,000 per year and improves food quality.

In its packaging operation, 16 Jerome team members redesigned the box department to make it ergonomically sound. The team members added vacuum pumps to lift heavy loads, changed the process used in the department and reduced back stress by 85 percent.

As the examples show, teaming works for employees, it works for companies and it will help keep America competitive into the 21st Century. Some who oppose the TEAM Act fear that it would erode the protections in the NLRA and allow companies to again establish sham company unions, robbing employees of any voice in the workplace.

The TEAM Act is not an attempt to undermine unions or undermine the rights of individual workers. As written, the TEAM Act eliminates no existing language in the NLRA. The Act simply creates an exception in Section 8(a)(2) so that cooperation is not labeled domination. There is no change to the broad definition of labor organization, and we explicitly prohibit teams or committees from collectively bargaining with employers in both union and nonunion firms. The Act also reaffirms the fact that unionized employers can't establish teams to avoid the obligation to bargain with their unions. Unions have veto power over teams in the workplace.

Finally, we don't allow sham company unions. Where employers have tried to thwart an organizing attempt by establishing a workplace committee and then bargaining with the committee, Section 8(a)(2) would render the employers actions illegal. Where an employer establishes teams to thwart organizing, the employer would still violate existing protections under Section 8 of the NLRA. Further, nothing in this bill would prevent nonunionzed employees from forming a union if they so choose.

Mr. Chairman, the NLRA served us well for many years, but just as digital telecommunications has necessitated a new telecommunications policy, we must revise our 1930's labor law to apply to a 1990's workplace. As a moderate Republican, I believe that this bill provides the flexibility needed for high-performance workplaces while providing protections to ensure that our employees are treated fairly. I strongly urge my colleagues to support the TEAM Act.

The CHAIRMAN. All time for general debate has expired.

The Committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD.

Those amendments will be considered read.

Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teamwork for Employees and Managers Act of 1995".

The CHAIRMAN. Are there any amendments to section 1?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. SAWYER

Mr. SAWYER. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. SAWYER: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Teamwork for Employees and Managers Act of 1995".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the escalating demands of global competition have compelled an increasing number of employers in the United States to make dramatic changes in workplace and employer-employee relationships;

(2) such changes involve an enhanced role for the employee in workplace decisionmaking, often referred to as "Employee Involvement", which has taken many forms, including self-managed work teams, quality-of-worklife, quality circles, and joint labor-management committees;

(3) Employee Involvement programs, which operate successfully in both unionized settings, have been established by over 80 percent of the largest employers in the United States and exist in an estimated 30,000 workplaces;

(4) in addition to enhancing the productivity and competitiveness of businesses in the United States, Employee Involvement programs have had a positive impact on the lives of such employees, better enabling them to each their potential in the workforce;

(5) recognizing that foreign competitors have successfully utilized Employee Involvement techniques, the Congress has consistently joined business, labor and academic leaders in encouraging and recognizing successful Employee Involvement programs in the workplace through such incentives as the Malcolm Baldrige National Quality Award;

(6) most employers who have instituted legitimate Employee Involvement programs have done so in order to enhance efficiency and quality rather than to interfere with the rights guaranteed to employees by the National Labor Relations Act; and

(7) the prohibition of the National Labor Relations Act against employer domination or interference with the formation or administration of a labor organization has produced some uncertainty and apprehension among employers regarding the continued development of Employee Involvement programs.

(b) PURPOSES.—The purpose of this Act is—

(1) to protect legitimate Employee Involvement programs against governmental interference;

(2) to preserve existing protections against deceptive, coercive employer practices; and

(3) to promote the enhanced competitiveness of American business by providing for the continued development of legitimate Employee Involvement programs.

SEC. 3. EMPLOYER EXCEPTION.

Section 8(a)(2) of the National Labor Relations Act is amended by striking the semicolon and inserting the following:

": *Provided further*, That it shall not constitute or be evidence of an unfair labor practice under this paragraph for an employer to establish, assist, maintain, or participate in—

"(i) a method of work organization based upon employee-managed work units, notwithstanding the fact that such work units may hold periodic meetings in which all employees assigned to the unit discuss and, subject to agreement with the exclusive bargaining representative, if any, decide upon conditions of work within the work unit;

"(ii) a method of work organization based upon supervisor-managed work units, notwithstanding the fact that such work units may hold periodic meetings of all employees and supervisors assigned to the unit to discuss the unit's work responsibilities and in the course of such meetings on occasion discuss conditions of work within the work unit; or

"(iii) committees created to recommend or to decide upon means of improving the design, quality, or method of producing, distributing, or selling the employer's product of service, notwithstanding the fact that such committees on isolated occasions, in considering design quality, or production issues, may discuss directly related issues concerning conditions of work: *Provided further*, That the preceding proviso shall not apply if—

"(A) a labor organization is the representative of such employees as provided in section 9(a);

"(B) the employer creates or alters the work unit or committee during organizational activity among the employer's employees or discourages employees from exercising their rights under section 7 of the Act;

"(C) the employer interferes with, restrains, or coerces any employee because of the employee's participation in or refusal to participate in discussions of conditions of work which otherwise would be permitted by subparagraph (i), (ii), or (iii); or

"(D) an employer establishes or maintains an entity authorized by subparagraph (i), (ii), or (iii) which discusses conditions of work of employees who are represented under section 9 of the Act without first engaging in the collective bargaining required by the Act: *Provided further*, That individuals who participate in an entity established pursuant to subparagraph (i), (ii), or (iii) shall not be deemed to be supervisors or managers by virtue of such participation.".

□ 1530

Mr. SAWYER. Mr. Chairman, the proponent of the Teamwork Act has stressed today how important it can be to long-term competitiveness. I completely agree. It is important to repeat again, though, that managers and employees can presently exchange ideas on efficiency, productivity, or other competitiveness issues.

However, I understand the argument that discussions of improving workplace output may be tied to those subjects which employers and employees cannot currently talk about outside of the collective-bargaining process, subjects like wages and hours and other terms and conditions of work.

For that reason, Mr. Chairman, I rise today to offer a substitute to H.R. 743 which would clarify that a team's discussions of competitiveness issues are absolutely legal, even if its members from time to time talked about conditions of work that were directly related to the team's primary task of improving competitiveness. Sometimes, Mr. Chairman, they are simply inextricable in the modern workplace.

I believe it provides employers with areas of far greater legal certainty and would protect both workers' rights and the vast majority of more than 30,000 employee involvement structures in America today. My substitute bill would not apply to unionized workplace, but the purpose of 882 is really to protect workers who do not have that kind of representation. It is nonunion members who lack that strength who are the workers most threatened by the prospect of company unions.

My substitute embodies the principal recommendation on the issue of workplace cooperation of a bipartisan panel of labor law experts headed by President Ford's Labor Secretary, John Dunlop. In its final report, the Dunlop Commission recommended that nonunion employee participation programs should not be unlawful simply because they involve discussions of terms and conditions of work or compensation, where such discussion is incidental to the broad purposes of those programs.

H.R. 743 would undoubtedly allow these discussions as well. I take no issue with that. Unfortunately, it would also allow conditions of work to be the sole focus of workplace teams, and this simply goes too far. It would give a few perhaps unscrupulous employers a powerful tool to undermine employee efforts to obtain independent representation. This is not just my view. The Dunlop Commission also concluded that employee participation programs, and I quote, "are not a forum of independent representation for employees and thus should not be legally permitted to deal with the full scope of issues normally covered by collective bargaining." I recognize that the legality of some teams under current law is not entirely clear.

I also understand the desire of employees to have greater certainty about the legality of their terms, so I offer this substitute in an attempt to provide statutory guidance to the NLRB, which defines areas in which workplace discussions of conditions of work should be legal and appropriate, and can be.

Mr. Chairman, some of the members of the team coalition are, of course, interested in how their particular member companies would benefit if the TEAM Act passed. They have no particular reason to be concerned with potential abuse by less principled employees. I am first to concede that those who are the strongest advocates for this measure are well intentioned. They have no reason to be concerned with those abused by less principled employees, but we must be. That is why this debate cannot be about individual cases or individual companies.

The central question is not whether some good things might happen if the TEAM Act is passed. Good things would happen. That is very clear. Good things are happening now under current law in over 30,000 workplaces across the Nation. The central question which my substitute seeks to address is whether we can promote workplace cooperation in a way that will not invite the kind of abuse that gave rise to this law 60 years ago.

This measure ought to be looking toward the future, and not simply back 60 years. I believe that we can, so I offer this substitute as an attempt. I urge my colleagues to support it.

Mr. FAWELL. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment has a surface appeal until one just centers upon what this issue is all about. One has to begin with the assumption that there is no reason at all why, in the nonunion setting, employee teams cannot talk to their employers on any subject. On any subject. That also includes terms and conditions of employment. We cannot define terms and conditions of employment when we come right down to it.

The National Labor Relations Act has, from time to time, in construing conduct under union law, pretended to unions that workplace health and safety, rewards for efficiency and productivity, work assignments, compensation, work rules, job descriptions and classifications, production quotas, use of bulletin boards, workloads, scheduling, changes in machinery, discipline, hiring and firing, promotions and demotions, these are all conditions, terms and conditions of work. There are many, many more.

What the amendment is now basically trying to do is to come in and, from my viewpoint, produce many union restrictions and constrictions upon the exercise of the rights of free people as employees to simply negotiate and interact with their employer. They can do that now. As has been said, it is flourishing rather well. The problem is there are corporations like Polaroid, Donnelly, others that have been named, the best employers in America, who are being dragged before the NLRB, and because, unfortunately, there is an interpretation that there were terms and conditions of employment, when some team of employees was interacting with the employer, bango, that is an unfair labor practice: "You cannot do that, only unions can do that."

But look, these employees obviously can opt to join a union, to petition for a union in the workplace. If those employee groups are not working, if they are not going well, if the employer is being a dictator, if he is taking advantage of the people, we have not gotten rid of the sham corporation law. We have not repealed 882. We have only tried to carve out an exception, which is common sense, to say that when employers and employees, and it is really a bill of rights for employees, that when they get together and say, "Yes, why don't we sit down with the head of the department and try to work something out," that they can do it.

My good friend, the gentleman from Ohio [Mr. SAWYER] who has an all-American name and is an all-American person, and a fine person, what he is doing here, he is going to start saying, "There are going to be certain types of these groups. If it is entirely employee-controlled, OK, you can do anything you want, but if it is a supervisory-managed work unit, watch out, watch out. But what we are going to do, we are going to let you occasionally discuss conditions of work when it might be relevant to the subject matter," you see.

Here we go. Who is going to supervise this? I suppose the National Labor Relations Board now? Are we going to get all kinds of new rules and regulations? What are we doing? Stop and think of what we are doing. We are now saying, let us say a group of women who get together and they want to call upon a department head and sit down and work with them, they would say no. Now see what we are doing? We are beginning to restrict, constrict, dictate. We are going to have amendments that say "There have to be elections, too." What, NLRB elections to determine whether an ad hoc business employee group can get together? These groups' common goal, they are up one month, they are gone the next month. You have changing membership, you have changing chairmen or chairwomen. This is completely impractical. It guts the bill, because nobody in business would want to have this legislation. They are better off now, at least as long as they do not get caught, and so far the NLRB has zeroed in on major targets. But as has been said, it is otherwise flourishing. It is flourishing because it is cooperation.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(By unanimous consent, Mr. FAWELL was allowed to proceed for 2 additional minutes.)

Mr. FAWELL. Mr. Chairman, what we have right now is cooperation. It is there. It is working. Congress should not get in the way and screw things up and start micromanaging. It is employees and employers working together. It can happen. If it does not work out, they can go and a union will be organized, as has been said. If they bungle the job, then we will find employees

that are dissatisfied. However, we ought not to go down the slippery slope of trying to now move into the nonunion setting and start micromanaging with all kinds of laws. We will equal the volumes, and the volumes by the thousands, that are already there in the National Labor Relations Act in regard, correctly, in regard to your basic formal unions.

That is why, I would say to the gentleman from Ohio, I cannot accept the amendment. I know it is offered with the very best of intentions, but it would destroy the genius of what is happening right now of this cooperation, this working togetherness, no bounds, anything they want to talk about; it is there, and the last thing we should do is to regulate it.

Mr. SAWYER. Mr. Chairman, will gentleman yield?

Mr. FAWELL. I yield to the gentleman from Ohio.

Mr. SAWYER. Mr. Chairman, I thank the gentleman from Illinois, the chairman of the subcommittee, for yielding to me.

Mr. Chairman, the gentleman has said repeatedly that employees cannot, under current law, discuss any of these topics with their employers. The truth of the matter is that any employee can come together in groups or individually and discuss these matters with their employers. What is prohibited is for the employer to dominate the employee organization in lieu of a labor organization. That is the difficulty.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. FAWELL] has expired.

(By unanimous consent, Mr. FAWELL was allowed to proceed for 1 additional minute.)

Mr. FAWELL. Mr. Chairman, I would tell the gentleman, as soon as the employee group begins to interact with the employer, the law also states "* * * if the employer supports, financially or otherwise, as well as dominates." All the employer has to come into the picture and that employee team becomes a sham union, unless the employee just sits there and does nothing. But if he supports, financially or otherwise, or if he dominates, and "dominates" has been construed to mean if the employer has, basically, the right to tell these employees what to do; of course, the employer is still the employer.

I simply want to stress that the last thing in the world we should begin to do is to try to create little miniunions within the nonunion setup, and destroy what is a valuable revolution and dynamic change taking place in America.

Mr. SANDERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my friend, the gentleman from Illinois, just used the expression, he said "the genius of what is happening." I think that is what he said. I am a little confused.

My understanding is that what is happening in the economy today is that the real wages of American workers are plummeting. Real wages have gone down by 16 percent since 1973. My understanding of what is going on in the economy today is that the new jobs that are being created are low-wage jobs, part-time jobs, temporary jobs, often without benefits. My understanding of what is going on in the economy today is that while corporate profits are soaring, and the incomes of the chief executive officers are now 150 times what the workers are making, more and more companies are taking our jobs to Mexico and to China.

I would like to ask my friend, the gentleman from Illinois, tell me, what is the genius of all of that?

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, I would tell the gentleman, I was referring to the employee teams and their ability to cooperate with the employers and to be able to take over many of the operations which, normally speaking, in a top-down old-fashioned concept of employment, are vanishing.

If we want an opportunity to have a turnaround, I do not agree with all the gentleman's conclusions, by any means, but the genius of what is occurring is employer-employee cooperation, where employees are increasingly taking over responsibilities in terms of efficiency, in terms or productivity, that they have never had before. That is the genius.

Mr. SANDERS. Reclaiming my time, Mr. Chairman, obviously, all of that is not working. Twenty years ago, as the gentleman knows, this country led the world in terms of the wages and benefits our workers received. With all of that genius, with all of that so-called worker-management cooperation, does the gentleman know what place our workers are now in the industrialized world? We are in 13th place. We are falling behind much of Europe and Scandinavia.

I would argue that if there is any reason that workers have enjoyed decent benefits, decent working conditions, and decent workers in this country, it is because they have had unions. The evidence is pretty clear that this team effort will make it harder for workers to join unions.

Mr. FAWELL. If the gentleman will yield further, there is nothing in this legislation that would proscribe in any way the right of these employees, if they are not in accord with the policies of the employer, to go ahead and petition for the formation of a union.

We do nothing whatsoever to proscribe that. All that we try to do is to say that all that is occurring out here right now is lawful, because there is this ancient definition of a labor organization that was created back in 1935, when women were not even a part of the work force. They are a vital part of employee teams today that are doing things that in the 1930's were not even contemplated.

Mr. SANDERS. Mr. Chairman, reclaiming my time, the gentleman is aware that this TEAM Act takes place within the context of a savage assault on labor unions throughout this country.

Mr. FAWELL. I certainly would not agree with that conclusion.

Mr. SANDERS. The gentleman is aware that time after time when workers form unions, companies refuse to negotiate a first contract. The gentleman should be aware that workers all over this country are being fired as they try to organize unions. The gentleman should be aware in an unprecedented way, when workers now go out on strike, they are being replaced by permanent replacement workers. The gentleman knows all of that. And the gentleman knows right now that workers in unions are under assault, that companies are hiring consultants to break unions, to decertify unions, and this TEAM Act takes place within that context.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman yielding, because I think everybody ought to understand that if there is any attempt by any management of any company anywhere in America at any time to in any way to interfere with an attempt to collectively bargain and organize that work force, it is a violation of section 8(a)(1) of the law today, and this bill does not touch that in any way, shape, or form. That is law at 3:45 in the afternoon, and it is going to be law when this bill passes.

The CHAIRMAN. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

(By unanimous consent, Mr. SANDERS was allowed to proceed for 2 additional minutes.)

Mr. SANDERS. Mr. Chairman, my friend from Wisconsin makes the point about it being illegal to try to impede the creation of a union. But that gentleman's party has supported, as I understand it, a 30-percent cut in the funding of the National Labor Relations Board, the one Board in this country that exists to try to protect workers. So it is very clear where our friends on the other side are coming from.

Mr. GUNDERSON. If the gentleman will yield further, first of all, me, I voted no on the appropriation bill.

Mr. SANDERS. Mr. Chairman, reclaiming my time, the problem is, this stuff does not come out of the blue. The gentleman's party has supported a

30-percent cut in the funding of the NLRB, which would make that organization overwhelmed, without staff, and powerless to protect workers. Now the gentleman walks in and says "oh, this TEAM Act is innocuous.".

Mr. GUNDERSON. If the gentleman will yield further, the gentleman is not a Democrat. He happens to be, I think, a socialist, right?

Mr. SANDERS. I am an independent.

Mr. GUNDERSON. Then the gentleman does not have a party.

Mr. SANDERS. I am with the majority of Americans.

Mr. GUNDERSON. That is true at the moment, and I appreciate that. But would the gentleman suggest that because the Democrats have supported tax increases in the past, that we can never talk about the Democrats without calling them big spenders and tax increasers?

Mr. SANDERS. I missed the point my friend is making.

Mr. GUNDERSON. The point is because somebody decided that they were going to make some tough calls to try to balance the budget, the gentleman is saying we have no credibility on labor law.

Mr. SANDERS. Mr. Chairman, reclaiming my time, what I am saying is we have to look at this legislation within the context of everything else that is happening in this session. The gentleman, I hope, who is an honorable man, would recognize that probably never before in the modern history of this country has there been such an assault on the rights of working people and the needs of working people as is taking place in this Congress.

Mr. LEVIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have been listening to this discussion, and I just want to comment about the reality on the ground. Labor management relations are changing in this country. If you go to virtually any plant in the district I represent, you see that.

I think there are more auto-related plants in my district than perhaps any other in the country. When you go into these plants, you see a partnership. You see management and labor which has moved away from an adversarial relationship into teamwork. You do not need to change the present law for management and labor to act differently than was generally true 40 or 50 years ago, even 30 years ago, when there was a much more adversarial relationship. The word team means that in reality on the shop floor.

Mr. GUNDERSON. Mr. Gunderson, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, so would the gentleman say then that there was no basis for the Electromation case?

Mr. LEVIN. Mr. Chairman, reclaiming my time, the basis for it there was there was an intervention by management far more into the workplace than simply being a partner.

Mr. GUNDERSON. But does the gentleman understand what the National Labor Relations Board ruled was the domination of Electromation in that case? The fact is they said the action committees agendas only were such things such as nonsmoking and interoffice communications; that that was, according to the national labor relations board, quote-unquote, dominating, and therefore that was a violation of 8(a)(2). Is the gentleman saying that is not a problem?

Mr. LEVIN. Mr. Chairman, reclaiming my time, I will say, because when you look at the environment, the entire context of that case and what was involved there, it was far more than a discussion of smoking. That is what that case is about. That was not the role of the employer in that case. That case was decided under conservative administrations. What they said was they wanted to make sure that the thrust of 8(a)(2) remained, and that was that employers did not set up nor actively participate in the creation of employee organizations. Now, that is what the essence of that case was about. You are taking that case and trying to exaggerate it and twist it out of shape. That is what you are doing. You are using it as a smoke screen in order to make much more basic changes.

Now, what disturbs me is, look, the Dunlop Commission worked on this for months and months and months. They had representatives of management and labor on it. They are unanimously opposed to what you are doing, as I understand it.

Mr. GUNDERSON. If the gentleman would yield on that, if you read the Dunlop Commission, you will find out they clearly support changes in 8(a)(2). What they would like is also in addition to that some amendments only making union organization easier at the same time. I would urge the gentleman, if he wants to be credible, to offer an amendment on the other half of the Dunlop Commission.

Mr. LEVIN. Reclaiming my time, I fully understand that was a discussion. They thought that you should take the developing reality within the workplace and have the law encompass that. What the gentleman is doing is taking one piece of it, and you are excluding the rest of it. I just wanted to tell you, as I understand it, and the gentleman has to face this, that the commission unanimously opposes what the gentleman is doing.

Mr. GUNDERSON. I do not agree with that at all.

Mr. LEVIN. I tried to reach Dr. Dunlop this morning and he was not there. That is my understanding. I will get a statement from them as to what they think about what the gentleman is doing.

What disturbs me is I think what the gentleman is doing in the name of teamwork, the gentleman is polarizing. That is exactly what the gentleman is doing. He is taking a burgeoning and I think a constructive development in our society, and that is a less adversarial relationship on the workshop, and is bringing up this idea in the most adversarial way, the most polarizing way. It is absolutely contrary to the spirit of the Dunlop Commission.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. LEVIN] has expired.

(By unanimous consent, Mr. LEVIN was allowed to proceed for 2 additional minutes.)

Mr. LEVIN. Mr. Chairman, the minority report says that the members of the commission, including three former Secretaries of Labor, several scholars, the chief officer of Xerox, and a representative of the small business community, unanimously oppose enactment of this bill.

I would like to see any different statement from Dr. Dunlop. My guess is you cannot get that.

Mr. GUNDERSON. If the gentleman will yield further, I think if you would ask the gentleman from Ohio [Mr. SAWYER], he would be the first to tell you, because when we were talking about this, he was trying to confirm what I said, and that is that the Dunlop Commission is very specific in their recommendations. They wanted modifications in 8(a)(2). They also wanted changes in labor law.

Mr. LEVIN. Mr. Chairman, reclaiming my time the gentleman made my point. What they did was to come up with what they thought was a balanced comprehensive approach. The gentleman is picking one piece of this. They have stated, as I understand it, they are opposed to this bill. They are. It is contrary to what they were striving to do. Instead of the gentleman trying to promote more of this teamwork, what the gentleman is going to do is to promote more conflict. What the gentleman is trying to do is to allow employers essentially to move in more easily to make it more difficult for labor organizations to essentially organize workers. I think that is a sad mistake.

Mr. CLAY. Mr. Chairman, will the gentleman yield?.

Mr. LEVIN. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, I thank the gentleman for yielding. Let me say, to come to this floor and suggest that all this decision was about at the NLRB was about nonsmoking is ridiculous and it is trite. Let me tell you that the circuit court upheld the NLRB decision, and this is why. They said that the company posted a memorandum to all employees.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. LEVIN] has again expired.

(By unanimous consent, Mr. LEVIN was allowed to proceed for 2 additional minutes.)

Mr. LEVIN. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, the circuit court said that the employees announced the formation of the following five action committees: One, absenteeism infractions; two, no smoking policy; three, communication network; four, pay progression for premium positions; and attendance bonus programs.

That my friend, is setting conditions, work conditions, terms of conditions and pay. So it was more than a team.

Mr. LEVIN. Mr. Chairman, reclaiming my time, I think the gentleman is using the nonsmoking as a smoke screen. The gentleman really is. It is too bad that the gentleman's side is taking one piece of Dunlop and leaving the rest of it. It is a disservice. It is another example, I think, of your extremism. There is no need to do this. We ought to try to work within the spirit of the Dunlop Commission.

The gentleman is polarizing, and I do not know why he is doing it. I do not think you are going to get this through the Senate, and if it were to happen, it would not be signed. Why is the gentleman bringing it up?

I am not on the committee that has jurisdiction, but I urge that the gentleman from Wisconsin [Mr. GUNDERSON] go back to the drawing board, and that you sit down, instead of in a polarized way, Republican against Democrat, you try to sit down and talk about what is good for amicable relations between management and labor, what is good on the work floor of Ford and Chrysler and GM. You go there and ask them. And there is not a single person, I think, of the plant managers who would say what you are doing is a good idea. They say work together, instead of adversarially. You are trying to tilt this balance. You are using the 21st century as an excuse to undo the work that happened in and the progress that was made in the 20th century.

Mr. Chairman, I urge that we reject the gentleman's proposal.

Mr. TALENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, my friend from Michigan, Mr. LEVIN, accused us of polarizing this debate, just after our friend from Vermont spent 4 or 5 minutes talking about sustained assaults on the rights of the working men and corporations busting unions, and yet we are polarizing the debate. Let me in the interests of trying to maybe nonpolarize this debate ask my friend, the sponsor of the amendment, to enter into a colloquy with me. I have a couple questions about the amendment.

Mr. SAWYER. Mr. Chairman, I am happy to respond to questions.

□ 1600

Mr. TALENT. I know the gentleman has worked hard on this and he has a substitute which does change the existing law, so I assume he agrees that something does need to be done to existing law; is that right?

Mr. SAWYER. Mr. Chairman, if the gentleman will yield, indeed.

Mr. TALENT. So those and other colleagues on the other side of the aisle who spend a lot of time in general debate saying we do not need to do anything, the gentleman would disagree with that?

Mr. SAWYER. Mr. Chairman, if the gentleman will continue to yield, my view is if there are areas of uncertainty within the interpretation of 8(a)(2) as it currently exists, that recognizing the changes that have taken place in recent years in the American workplace and the kind of cooperation we are all trying to nurture, that the law ought to recognize those changes and encourage them.

Mr. TALENT. So the gentleman agrees with Chairman Gould who says amendments to the NLRA that allow for cooperative relationships between employees and the employers are desirable. There is a need to do something. I hope in the interest of not polarizing this we can establish a consensus that there is a need to do something.

Mr. SAWYER. Mr. Chairman, indeed, and I agree with the Dunlop Commission that we ought to facilitate that growth of employee involvement. But I also agree with Chairman Gould when he argues that he does not support the TEAM Act because it does not contain the basic safeguards against company unions that he feels are absolutely necessary.

Mr. TALENT. Mr. Chairman, I appreciate the fact that the gentleman and I disagree on what ought to be done, and he thinks the bill does some things it should not do. I want to get into that and ask him a question.

I have read the gentleman's substitute. I gave an example before of what is really going on out there in the workplace. So let us suppose, and I will give the gentleman a hypothetical just to explore the differences between the gentleman's substitute and the bill we are working on.

A supervisor goes to the plant manager and says people are upset because they are working a lot of overtime. The schedules, they say, are not right. They want some changes so they can get to the day care centers, a couple of guys have hunting vacations planned. What shall we do? The manager says, well, I would like you to sit down and work with them and then come to me with a proposal. Why do we not want them to be able to do that?

Mr. SAWYER. Mr. Chairman, if the gentleman will continue to yield, I do want them to do that. In fact, my substitute permits that.

Mr. TALENT. Mr. Chairman, the gentleman will agree that scheduling is a term and condition of employment; is it not?

Mr. SAWYER. Indeed, Mr. Chairman.

Mr. TALENT. The gentleman's substitute prohibits those kinds of discussions about terms and conditions of employment.

Mr. SAWYER. Mr. Chairman, only when it is exclusively the subject of those terms and conditions of employment and the organization is dominated by the employer instead of representative of employees.

Mr. TALENT. And under the current law there is no question if that supervisor goes out there and says, OK, Bill and Bob, let us talk about it and sit down and Jane. And, by the way, we better get Mel and Fred, because I know they are upset about this too. That is dominating because the supervisor is involved in choosing which employees are involved in the discussion; is that not right.

Mr. SAWYER. Indeed.

Mr. TALENT. So under my hypothetical the gentleman's substitute would make that situation illegal.

Mr. SAWYER. Mr. Chairman, the employer cannot go out and name the members of the employee participation team because that includes domination in matters of terms and conditions of employment.

The fact of the matter is, that is precisely the kind of condition that the Dunlop Commission urged be exempted from the changes that they recommended in 8(a)(2).

Mr. TALENT. Mr. Chairman, reclaiming my time, I thank the gentleman for his candor and his attempt to work this out. He has been nonpolarizing from the beginning. He is offering, I think, a realistic substitute. I think the problem with it, he is trying to confine the literally hundreds of thousands of workplace situations into a code of federally prescribed mandate that simply does not comport with the reality in the workplace today.

There are a whole lot of situations where people want to talk about terms and conditions that have impact upon them. Maybe safety. Scheduling is a classic thing. Vacations. The gentleman has just said his substitute would make that illegal.

Why should we say to those people the only way they can talk this over with management and have them respond and try to work this out is if they decide they want to go out and form a union?

Mr. Chairman, I think the problem here, and we have heard it in a couple of the speeches before this interchange that the gentleman and I have had is, there is a mindset on the part of some on the other side of the aisle.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. TALENT] has expired.

(By unanimous consent, Mr. TALENT was allowed to proceed for 2 additional minutes.)

Mr. TALENT. Mr. Chairman, there is a mindset on the part of some on the

other side of the aisle that in the first place all the employers out there are trying to bust all the unions. There are bad employers and there are also bad unions. That is why we have this law. There are some employers, some unions that would try to act in an unfair manner. That is why we have the National Labor Relations Act. I do not think most employers or most unions are out to do anything except to conduct their business or the unions to try to represent people.

There is also a mindset, frankly, that people cannot protect themselves; that employees cannot make choices on their own; that even though the law gives them the right to pick a union if they want to, gives them the right to organize and have formal collective bargaining, and nothing in this act changes that, that that is not adequate enough safeguard; that they are going to be so influenced by an employer and an employee sitting down and talking over these kinds of things, that they cannot freely exercise their right to have a union, if they feel that that is necessary in order to protect their rights in the workplace.

Mr. Chairman, it is a kind of patronizing attitude. It was the attitude that dominated in the 1930's. It simply does not describe reality today, and now I would be happy to yield to the gentleman now.

Mr. SAWYER. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman and appreciate his kind words and would reciprocate them.

I want to emphasize that as long as employees voluntarily interact with employers, there is no difficulty today and it is not my intent to provide any difficulty into the future. It is only when employers dominate the employee participation in employee involvement teams that we run into difficulty under the broadest interpretation of current law for the last 60 years, and really flies in the face of the recommendations of the Dunlop Commission.

Mr. TALENT. Mr. Chairman, reclaiming my time, and in closing, I want to say the gentleman has with great candor admitted, first, we have to do something or these teams around the country are in danger under current law. So all the argument we heard before that we do not have to do anything, we have now established a kind of consensus on both sides of the aisle that, yes, indeed, we do need to do something. And, also, the hypothetical I gave before, where people want to talk about scheduling would be illegal under the gentleman's substitute.

Mr. GENE GREEN of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank my colleague from Ohio for his amendment and his hard work and dedication, not just today but through the committee process. My colleague from Missouri, whose point was that we need to change, well, granted, there are wrinkles in the problem, but this bill is like using a canon to deal with something that a BB gun could address.

The Sawyer amendment clarifies that a workplace team creates an improved competitiveness is not prohibited under the National Labor Relations Act even if its members occasionally discuss conditions of employment, such as wages and hours and working conditions. The amendment is a good faith effort to meet the concern of the majority, no matter how unfounded those concerns may be.

The Sawyer substitute specifically protects three types of teams: Self-directed teams of employees, supervisor-managed work teams focused on improving specific production processes, and broad or ad hoc teams of employees and managers. The gentleman from Iowa's amendment is designed to create a safe harbor for employers genuinely concerned about their ability to create team systems for work organizations.

Mr. Chairman, this amendment is a good compromise, and it should have been adopted in committee, but, as I recall, it was defeated on a party line vote. The Sawyer substitute would protect those employers truly concerned with teamwork and employee involvement and will assure American workers' rights and retain their right of legitimate employee representation. That is why I urge an aye vote.

Mr. Chairman, like I said, I like the idea, as a manager of a business, of the team aspect, but, again, we need to look at it in comprehensive form. This needs to be addressed, but I would hope that somewhere in the next year we would look at comprehensive labor law reform. This is one part of it, but there needs to be more to it than just this one issue. I would hope we might be able to address it later on or maybe even just put this bill off until we can address it comprehensively, and I would hope that would happen.

Mr. GOODLING. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to this amendment.

First, I have to take a minute, I suppose one might say it is not relevant to this legislation, but then, I think, in my estimation, 50 percent of what the minority leader said was really not relevant to this legislation. I do want to take him to task on one area. He was talking about trickle down tax cuts. Had nothing to do with this legislation.

I simply want to say, as I have said over and over again, usually it is taking from the poor giving to the rich, is the way it is analyzed, but I want to again say, is a $500 credit toward long-term care insurance trickle down tax cut? Is it taking from the poor and giving to the rich? It is the No. 1 issue on the minds of all senior citizens, including those who are soon to be senior citizens. Is a $500 credit toward home care? Where do they want to be? Where do your loved ones want to be? They want to be at home. That is not trickle down tax cut.

Is a $5,000, up to $5,000 credit available for adoption trickle down? I would say it is not trickle down at all. We get into this pro-life, pro-choice debate all the time. Here we are giving people who could adopt children an opportunity to do that and provide excellent homes.

Is a $145 credit toward eliminating the marriage tax penalty trickle down? I would hardly think so. Is an IRA for the spouse that stays at home with the family trickle down? I would hardly think so.

Mr. Chairman, I moved to strike the last word primarily because I wanted to applaud the gentleman for recognizing there is a problem with current law, notwithstanding what some on the other side of the aisle have argued. However, the substitute attempts to micromanage employee involvement when the goal of the TEAM Act is the exact opposite. It is both overly prescriptive and too narrow to give comfort to employers and employees who want the flexibility to develop innovative solutions to workplace decision-making.

For example, in supervisor managed work units, the substitute allows managers and employees to participate in meetings with employees but only if all employees in the unit participate. Is that overly prescriptive? I would certainly think so. What if someone is out sick? And only if conditions of work are discussed on occasion.

Similarly, the substitute seems to allow committees established to address issues related to productivity or quality, but these committees may only address directly related conditions of work and only isolated occasions. I hate to think of the rules and regulations that will be promulgated if something of this nature gets downtown.

The substitute seems to give with one end and take away with the other. For example, one provision of the substitute seems to address self-directed work teams, which are already legal under current law. However, a second provision provides that even self-directed work teams are illegal if the employer creates or alters the work unit or committee during organizational activity among the employer's employees.

What constitutes altering a work unit or organizational activity? What ensures the employers are on notice that such activity is occurring? It is certainly not very well explained, in my estimation, by the substitute.

Mr. Chairman, the major problem with the substitute is that many of the

strategies used by companies to involve employees in workplace decisionmaking would remain illegal. For example, a committee set up to address how the use of flexible scheduling could meet the needs of working parents or one established to discuss how to better match productivity increases with employee bonuses would fail to pass muster.

Far from clarifying the legality of employee involvement, Mr. Chairman, the substitute draws an artificial line restricting what teams can and cannot talk about and how they can and cannot be structured. It also raises a host of new legal terms which each will be subject to years of litigation in the courts. This substitute does not address the problem and, in fact, I believe, will further complicate the legal questions.

Mr. Chairman, I would like to read a letter I received from IBM, Texas Instruments, and Motorola.

We write to you as former winners of the Malcolm Baldrige National Quality Award to express our unequivocal support of H.R. 743, the Teamwork for Employees and Managers Act of 1995.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GOODLING] has expired.

(By unanimous consent, Mr. GOODLING was allowed to proceed for 1 additional minute.)

Mr. GOODLING. Mr. Chairman, continuing to quote:

This important legislation, which will be considered by the House of Representatives would eliminate legal barriers that currently restrict employees and employers from working together as partners to meet the challenges of today's competitive global markets.

As you may be aware, the Malcolm Baldrige National Quality Award was created by Congress to recognize U.S. companies dedicated to the principle of quality in manufacturing, service, and small business. The Baldrige Award recognizes, among other criteria, excellence in human resources, development and management. Key aspects include work and jobs that allow: First, employee opportunities for initiative and self-directed responsibility; second, flexibility and rapid response to changing requirements; third, effective communications across functions and units.

□ 1615

You can see that the Baldrige criteria strongly promotes teamwork and employee involvement. The continuing success of companies like ours, and other Baldrige Award winners, is dependent on the development of these innovative and team environments.

Mr. ROEMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, some years ago a book was written by Thomas Kuhn, and it was entitled, "The Structure of Scientific Revolutions." Now, you might say, what does science have to do with the discussion of the TEAM Act and labor and management and business and government and employees and CEO's?

In this book, Kuhn writes very forcefully about how paradigm shifts take place in science from Einstein to new scientists, though people talk about issues in brandnew ways and develop new models to move the Nation forward in science.

Mr. Chairman, I think that is what the American people voted for in elections, to move toward new ideas and not always use the same terminology, resort to the same fights in Congress that we have over the past decades. Let us move toward new ideas.

I think that some people in this Chamber are trying to work in that direction. Now, I disagree with the TEAM Act here today, because it uses the same ideology, the old words, the old fights, that we have used over the last 25 years. It does not encourage this teamwork and cooperation and innovation and creativity that we are seeing in the workplace today.

Mr. Chairman, I may be naive, but in Indiana, in my district, when I go and visit my businesses, almost any time I can when I am back home, I see these businesses, already developing these employee teams. They are working on productivity. They are working on morale. They are working on cutting down the number of defects on the assembly line. They are working on computer teams. They are teaching courses in the classroom in the businesses on blueprint plans, on algebra, on a host of things to make the worker a better worker and work with the management to do that.

Now, I think this act takes us back 20 years. It says: Let us continue to have a fight, management versus labor, worker versus CEO.

Another book written just recently by Hedrick Smith, called "Rethinking America", says very forcefully we are doing these things. We are spending 8 hours now in the U.S. Congress talking about old ideas, rather than moving forward on new ideas that Smith talks about in his book, whether it was Peterson at Ford company, he started these employee circles, working in innovative ways on the assembly line to cut down on defects, to cut down on inefficiencies, to stop the assembly line if it needed to be stopped in midday.

But here in Congress, we resort to fights. We resort to partisanship. We resort to old terminology, rather than the new paradigms and models that people like Kuhn and Hedrick Smith are pushing us toward in the new century.

A lot has been said about the Electromation case. That took place in my district. That took place right in the heart of my district. That case is not based upon a nonsmoking committee. That case is not based upon worker wages, per se. That case is not based upon absenteeism committees. It is based upon the circuit court's decision that said, "Companies organizing committees and creating them through nature and structure and determining their functions, that is the problem. It cannot be created and dominated by one side or the other."

That is not teamwork. That is not cooperation. If an employer comes to the workplace and to the floor of the workplace and says, "Harry, Betty, Joe, Tom, Sally, you are on the committee. We are going to schedule this. We are going to determine what is best for the workplace." That is not teamwork. That is the old idea of teamwork, not the new century and the 21st century idea of teamwork.

If we are going to beat the Japanese and the Germans in the workplace, if we are going to be in the international competitive forefront, if we are going to have the best jobs and we do create the best product in America and we are going to win this race, we have to not talk about the ideas in this old, old-modeled way, but push this country forward in new ideas and cooperation.

Now, the Electromation case did not address what is going on in America today, and that is so much innovation. That is so much creativity. That is these new teams in union shops and in nonunion shops working together.

Mr. Chairman, I would encourage us in Congress to encourage this kind of cooperation in the workplace and to see that America, not a Democratic proposal or a Republican proposal, but American workers and CEO's move forward in this environment.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we all have a problem. That we are convinced we are bipartisan and the other guys are not. My suggestion to my friends on the other side of the aisle is that I think we are all nonproductive. We are operating a 1935 labor law. We are trying to take the most noncontroversial aspect of 1935 labor law and bring it at least into the 1990's, if not the 21st century. And you would swear we are trying to eliminate the act.

So if we cannot do this, we can quickly understand why it is going to be another 60 years before we get any modernization of American labor law here.

Mr. Chairman, there is a problem with that. There is a problem with that because, frankly, in the last session of Congress it was my friends on the Democratic side who said we had to have these very kind of joint labor-management teams to deal with OSHA, to deal with safety committees that, frankly, under the language of the substitute that is in front of us would be illegal.

So what has changed between last session and this session, except that

the Republicans are in control now and we brought the bill up?

The problem with this amendment, and the gentleman from Ohio deserves a lot of credit, because to be honest, he is one of the few Members in the Congress who has sincerely and legitimately tried to find a middle ground on this issue. I think he is as disturbed as I am by the fact that we are making no progress in modernizing our labor law and that the labor management relations in this country are growing more confrontational, not more cooperative. I think the amendment is a sincere attempt by the gentleman to try to find that middle ground.

Mr. Chairman, the reason that I have to oppose the amendment is because the amendment creates the same ambiguity that we are trying to solve with the major bill.

The reason we are here is because of the definition of the National Labor Relations Board of what "dominating" means. The problem with the amendment is that it uses such words as it is OK if it is only done on occasion, and that it is only if periodic meetings of all employees, or he goes on and says that it can be done company wide, but only if it is on isolated occasions.

Now, all that does is guarantee full employment for labor lawyers. Mr. Chairman, if we do nothing today, if my colleagues decide to kill the bill because they want to get a nice star on their labor voting record, go ahead and vote against the bill. But for gosh sakes, do not, when we leave here today, say that the one thing we did on Wednesday afternoon was guarantee full employment for labor lawyers. None of us wants that, and unfortunately, that is what the substitute does.

Mr. Chairman, I encourage my colleagues on both sides of the aisle to vote as they must for political reasons on final passage, but we all ought to agree that in the process we are not going to give full employment to labor lawyers.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would say to the gentleman from Wisconsin [Mr. GUNDERSON], the gentleman started his discussion on this matter by saying that we needed to update a 1935 law. Certainly, because a law is old does not mean that it is bad. But certainly we should look at how many times this law has been abused or how many cases are filed per year or how it is being interpreted throughout the years.

Mr. Chairman, the gentleman from Wisconsin would probably agree that there are, what, about 12 violations brought before the National Labor Relations Board each year?

Mr. GUNDERSON. Mr. Chairman, reclaiming my time, I do not know the number. I am not going to try. I do not agree or disagree. I yield to the gentleman from Indiana on that.

Mr. ROEMER. Mr. Chairman, if the gentleman would continue to yield, the number is 12 per year. We have hundreds of thousands of businesses in the United States of America. Twelve violations. Twelve cases are brought before the board each year. Three were then determined that the companies need to be disbanded. Now, is that a reason, whether a law is from 1935 or 1965 or 1985?

Mr. GUNDERSON. Mr. Chairman, reclaiming my time before I run out, because I know both sides are trying to expedite the debate, the only people that are going to contest a case up to the NLRB are going to be large enough companies with in-house corporate counsel that they can do it.

Frankly, I do not care about them. That is not why I am here today. I am here today because every one of those small businesses that everyone talks about, when we go in and tell them that they are violating the National Labor Relations Act by having that voluntary team that is in existence today, they say, "Fine, we will eliminate it," because they are not going to hire the lawyers to contest the case.

Mr. ROEMER. Mr. Chairman, if the gentleman would yield further, but it is the small businesses that are already doing this.

Mr. KILDEE. Mr. Chairman, I move to strike the requisite words.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I wanted to say a brief word to set the record straight. The gentleman from Pennsylvania [Mr. GOODLING] a few moments ago was critical of the statement of the gentleman from Missouri [Mr. GEPHARDT] talking about trickledown tax breaks. I think we should set the record straight, not to deter from the debate.

Mr. Chairman, half of the tax breaks in the Republican proposal will go to people earning $100,000 a year or more. A quarter of the tax breaks go to people making $200,000 a year or more. The upper income 1 percent get more tax breaks than do the bottom 60 percent.

Recently, the Republicans have proposed a $23 billion cutback on the earned income tax credit, which hits the working poor and at the same time, several months ago, proposed to eliminate the corporate minimum tax, so that the largest corporations in America will pay nothing in taxes.

Mr. Chairman, it sounds to me like the gentleman from Missouri [Mr. GEPHARDT] was right and this is a trickledown tax break.

Mr. KILDEE. Mr. Chairman, reclaiming my time, I believe that the bill introduced by the gentleman from Wisconsin [Mr. GUNDERSON] will really make it more difficult to form real labor unions.

Mr. Chairman, my dad belonged to a company union back in the 1930's, and all we got out of that, I got one tube of Ipana toothpaste and a couple of free movies and my dad got low wages and speedups in the GM factories.

My dad was one of the mildest men I ever met. I never heard my dad swear once in his life; a kindly gentleman. But during one of those speedups when we had company unions, my dad had his work sped up several times. Finally, he came home and told my mother, "I cannot keep it up." My dad was older. "I cannot keep that work up."

The next day he went to work under that company union arrangement and he got his production out. The boss came over and counted the number of pieces he had put out. He took out the famous pink slip to write it out under that company union. My dad, that mild-mannered person, removed has glasses and laid them on the machine. He said to the boss, "Bob," the boss's name was Bob Schoars, "Bob, if you sign that pink slip, they are going to carry one of us out of here, because I have 5 children at home to feed and I am going to fight for my job."

That was a mild-mannered person who went to mass every Sunday, and when he retired, every day. A mild-mannered person driven to that. When the UAW came in, things changed. My dad got justice on the job.

Mr. Chairman, that is the difference. I think this bill will lead to really, in effect, company unions rather than real unions that brought justice to the Kildee family. My mother died last year at age 94, and from 1937 on, my mother prayed for Walter Reuther and the UAW every day of her life.

□ 1630

As a matter of fact, Friday—and I invite some of my colleagues over there—Friday, President Clinton is honoring Walter Reuther for what he did.

We need real labor unions in this country. We do not need something that can lead again to that type of situation, company unions, that my dad had to work under and gave me one tube of Ipana toothpaste.

Mr. WHITE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, was it politically stupid to say $200,000? Of course, it was politically stupid to say that. That has nothing to do with where the money went. The first 30 percent goes to $30,000 and below, much of which goes to $18,000 and below. The next 30 percent goes to $50,000 and below, and the next 30 percent goes to

$75,000 and below. So debunk that nonsense.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Sawyer substitute amendment, and in strenuous opposition to the so-called TEAM Act.

This bill is a power grab. It is an attempt by the Republican majority—on behalf of their company benefactors—to further tilt the power balance in favor of employers over employees.

Labor relations in this country are predicted on a balance of power between workers and owners. That balance has been severely undercut in recent years. The legislation before us would exacerbate that situation.

This bill is designed to solve a problem that doesn't exist. The bill's sponsors say employer-employee teams are threatened under current law. However, the law clearly permits suggestion box procedures, staff meetings about issues of quality or customer care, the delegation of managerial responsibilities to employee work teams, and direct contact concerning all terms and conditions of employment.

The National Labor Relations Act does prohibit employer-controlled units from representing workers in discussions of the terms and conditions of their employment. This is a fundamental right of all American workers.

This bill would take that away. Despite the success thousands of U.S. employers have had destroying unions, intimidating workers, and exporting U.S. jobs to Third World countries for cheap labor—they want more. This bill will take away one more basic worker right.

The Sawyer substitute would clarify some of the law in this area. It would allow companies to engage in certain types, with their workers, of activities that can improve productivity.

This amendment is necessary to address erroneous claims of the bill's supporters that legitimate activities are currently threatened. Of course workers should help management improve production techniques. Of course workers have a lot to offer their companies to make the workplace more efficient.

However, what must not happen, is to allow companies to undermine fundamental labor law to make it easier to establish company unions. Collective bargaining, the right for workers to freely elect their representatives is a basic American right.

Just because one political party—one which represents the most conservative, antiunion businesses—comes to power in one election, is no reason to throw out 60 years of labor law. If anything, this Congress should be considering legislation to enhance workers' ability to represent themselves. Workers rights have deteriorated badly. This bill would only make matters worse.

Let's not turn our back on America's workers. Let's defeat this mean-spirited power grab by corporate special interests. Support the Sawyer substitute.

And while I am standing here, Mr. Chairman, let me just say that I do not know if those on the other side of the aisle have any real credibility in talking about the rights of workers. I am sick and tired of workers right here in this Congress of the United States coming to Members to try and get someone to act on their behalf because they are being treated badly.

We have wiped out the lowest paid workers down in the folding room. Now I am told that, and I am absolutely disturbed by it, our own clerks and people who work here for us hours into the night, for long hours, are being told they cannot use their compensatory time. Too bad if they have to work overtime until the end of the year, they cannot use it. That is wrong.

Our employees right here need protection. And let me tell Members, this gentlewoman will continue to force the other side of the aisle to deal with what they are doing to their own employees. We know that we are not covered by the labor laws until January. So they can wipe people out now before January comes. They can take away their compensatory time. They can treat them badly. They can fire them. They will not be able to bargain or negotiate.

But let me say, if they want credibility in talking about worker rights and what should happen, treat their own employees right first, and then perhaps someone will believe them.

Mr. GOODLING. Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments thereto end in 10 minutes, 5 minutes on either side.

The CHAIRMAN. Is there objection to the request to the gentleman from Pennsylvania?

Mr. TRAFICANT. Reserving the right to object, I would like my opportunity to speak, Mr. Chairman. I have been here for about an hour. There are only two other Members here.

The CHAIRMAN. Is there objection to the request to the gentleman from Pennsylvania?

Mr. TRAFICANT. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not believe that the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from Wisconsin [Mr. GUNDERSON] are trying to screw anybody.

I did vote for the tax cuts. I am a Democrat that supports tax cuts. I do not want to see those tax cuts be directed, though, in a mean-spirited way. I am going to support the substitute. But I would just like to say this. Most of the jobs we are talking about seem to be going to Mexico anyway. Most workers have a Gatling gun pointed to their head anymore with these trade agreements.

The reason for the law that exists now is to protect workers from company unions. That is one fact. I know the big heavy hitters here are off in their own world. From 1983 to 1993, there were only 17 cases where employer-created organizations were ordered to disband; 10 years, only 17. That would seem to some on this side of the aisle as the good news. The bad news is that nearly all of them were ordered to disband because their purpose was to thwart the creation of a union.

With that in mind, I do not know how this substitute is going to fare, but I have an amendment. I am getting calls from Democrats saying that they wish I would not offer my amendment because it improves the bill. The Democrats do not trust the legislation, and the Republicans do not want it to be micromanaged.

Now somewhere this bill is going to go to the White House, and everybody keeps telling me what the White House is going to do. The White House is making more deals than Monte Hall, and I do not know what the White House is going to do. After NAFTA and GATT, I do not know if I would trust them to do something on this.

The Traficant amendment says that whoever these representatives are from the employees, they would be elected in a secret ballot and, second of all, they would be of fair and equal representation on that team.

Clear and existing labor law covers that provision. Section 302 of the 1947 Taft-Hartley Act allows multiemployer pension funds to be administered by a joint labor-management board of trustees so long as both sides are equally represented; both sides equally represented is what we should be talking about here.

I know the nature of the gentleman from Ohio. He is not trying to hurt anybody. I am going to support his substitute. I do not know if that substitute is going to pass. I doubt it from the position taken by the majority party here.

But let me say this: All the Democrats think the White House is just going to carry the banner of all these labor practices. We still do not have a striker-replacement law, and we had a Democrat House, a Democrat Senate, and Democrat in the White House. Now we are doing it through Executive order. Come on now, this is JIMMY from Ohio. After NAFTA and GATT, this is going to be put on the table in the negotiation process. If not this, support my amendment. We should be considering improving this bill in the event that all of these well-wishing, big Democrats over at the White House just decide to make another damn deal with the American workers.

Mr. VISCLOSKY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Sawyer substitute and in strong opposition to the TEAM Act, H.R. 743.

The Sawyer substitute specifically clarifies that the National Labor Relations Act allows the creation of workplace teams to improve competitiveness. The substitute ensures that employers will be able to get full, cooperative benefit from the ingenuity and skill of employees so that—together—both will prosper.

The fundamental difference between the Sawyer substitute and the TEAM Act has nothing to do with the legality of employee involvement programs and labor-management cooperative efforts affecting company performance and productivity. Under the Sawyer substitute, employee representatives must be independent of the employer and cannot be dominated by the employer during discussions on terms and conditions of employment. This is an important difference and my colleague from Ohio, Mr. SAWYER should be commended for his excellent amendment.

Predictably, the TEAM Act is just the latest assault on the rights of men and women across the Nation, who work hard and play by the rules. It would allow employers to handpick and control employees to represent other employees in discussions over terms and conditions of employment. This legislation flies directly in the face of the problems middle-class Americans face every day to make ends meet, educate their children, afford health care, and pay the mortgage.

The American people are angry because in spite of being proud citizens of the world's only superpower, they are working harder, longer, and better for less money while the national economy continues to grow all around them. For people in the northwest Indiana district I represent, this means a 20-percent decrease in wages. It just doesn't make any sense that people are getting paid less to produce more. Instead of addressing this very real problem, the TEAM Act takes another swipe at the American worker.

Robert Kuttner lists the essential facts that every Member of this body should pay close attention to.

Productivity is rising, but the median wage is declining. Between 1989 and 1993, productivity per hour rose about 1.2 percent a year, while the median wage declined about 1 percent a year. In 1995, productivity has been increasing at about twice the rate of pay and benefits to workers.

In 1979, median household income was $38,250. In 1993, adjusted for inflation, it was $36,250. During the same period, the economy grew by 35 percent.

It's clear that the typical American family—the backbone of our Nation—has been passed over by the wave of economic growth and wealth they worked so hard to create. This is a crisis that threatens the American way of life.

The falling living standards of the typical American family is mirrored by a decline in union membership. Since 1978, the absolute number of union members has been falling. Today, union members represent only 15.5 percent of the work force.

I know there are people in this Chamber who see organized labor as an inconvenient hurdle to the creation of wealth. You're wrong. Unions want wealth created and have fought to ensure that workers share in the prosperity they create. Unions have boosted wages, improved working conditions, and improved the quality of life for every American—whether they belong to a union or not. Without unions the American middle class we all talk so much about would be smaller and poorer.

The TEAM Act is a direct assault on unions and organized labor's ability to bargain collectively. Workers and unions want their companies to profit and grow so that they can continue to share in the wealth. It is preposterous to claim otherwise.

If you think the American workers are overpaid, defeat Sawyer, vote for TEAM, and deal another ace to the employer's stacked hand.

I urge my colleagues to pass Sawyer and support America's working families.

Mr. CLAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the substitute offered by my colleague, Mr. SAWYER. While I question the need for this legislation, the Sawyer substitute is a sensible alternative that respects workplace democracy and genuine collective bargaining. It helps to clarify the legitimacy of employee involvement programs.

Supporters of this TEAM Act claim that existing law restricts the ability of employers to delegate decisions affecting matters such as productivity and quality to their employees. And yet, they cannot cite a single ruling that section 8(a)(2) imposes such limitations. That's because no such administrative or judicial interpretation exists. Nevertheless, to remove even the slightest doubt as to what is permissible under section 8(a)(2), the Sawyer substitute expressly provides that employers may delegate such decisions to their employees.

This bill's supporters claim that section 8(a)(2) discourages employers from forming new employee involvement programs. But the they contradict themselves by admitting that more than 80 percent of large employers and tens of thousands of small employers develop new employee involvement programs every day. Obviously, those conflicting propositions cannot both be true.

Mr. Chairman, H.R. 743 is not some benign proposal designed simply to encourage methods of work organization in which teams of employees develop new methods and ideas for improving the workplace. This misnamed bill has nothing to do with teamwork or genuine employee involvement in decisions affecting productivity and quality. This bill stands for employer domination and dominion over the workplace.

Finally, Mr. Chairman, this bill's supporters claim that the Sawyer substitute is fundamentally flawed because it does not allow employers to create, mold, and terminate employee organizations to deal with wages, benefits, and working conditions. Do they mean to suggest that the interests of employers and the interests of workers, as they relate to wages, benefits, and working conditions, are identical? Our labor laws have long recognized that those interests conflict. The fundamental purpose of section 8(a)(2) is to allow all employees—union and nonunion—to speak for themselves, free from employer domination. The Sawyer substitute acknowledges that purpose.

Mr. Chairman, in closing, I commend my colleague, Mr. SAWYER for crafting this sensible alternative to what is otherwise a bad bill. This substitute encourages employee involvement programs without trampling on the fundamental rights of workers. I urge my colleagues to support this substitute.

Mr. Chairman, I yield to the gentleman from Ohio [Mr. SAWYER].

Mr. SAWYER. Mr. Chairman, I thank the gentleman from Missouri for yielding to me.

I just want to take these few brief moments in closing to thank the chairman of the committee, the gentleman from Pennsylvania [Mr. GOODLING], to thank both the gentleman from Missouri and the gentleman from Illinois and particularly to thank the gentleman from Wisconsin for his work on this measure.

There are some on this side who disagree with what the gentleman has done in his proposal. But I think few disagree with what we are confident are the sound intentions of broadening employee involvement in the American workplace.

□ 1445

I thank him for his kind words to essentially the same effect on my behalf.

In the end let me just mention three basic ideas. Some think that the law needs to be changed, and some have suggested that it does not. But I would suggest that, if it does need to be changed, it is because employers, not employees, employers, have sensed an uncertainty in the interpretation of a 60-year-old law in a new setting and a new environment. Any need to change arises from that uncertainty, and so it is the goal of the Sawyer amendment to end any conceivable uncertainty by creating safe havens that make it absolutely sure that employers can establish, assist, maintain, and participate in any employee-involvement program for the purpose of improving design, quality, or methods of producing, distributing, or selling a product or service, and additional discussion of related terms and conditions of employment

are not in evidence of a violation of 8(a)(2), and it does so by creating broad descriptions of the full range of circumstances in which that kind of employee-employer discussion can take place and not limit them in arbitrary ways.

While there may be disagreement about that, I can express that as the clear goal, and to move beyond some of the hidebound language of the last 60 years, and to use terminology describing those that are quite straightforward, are grounded in common sense in straightforward dictionary meanings, not arcane or esoteric terms. Many of the terms are easily understood. Employee-managed work units, discussed, work responsibilities, design quality production issues are clearly understood. I would admit that some of these words might require interpretation and over time acquire interpretation, and I suspect that those are terms like isolated occasions indirectly related, but that is important in evolving new law and not simply returning to the old.

In the end, Mr. Chairman, let me just suggest that the fundamental difference between Sawyer and the TEAM Act, as it was originally introduced, is that under TEAM employers control who speaks for workers; under Sawyer, nonunion employer representatives are responsible for those whom they represent. Under TEAM employees have a protected right to speak for themselves only if they form a union, and Sawyer protects the basic democratic right of nonunion workers to represent themselves.

In the end, Mr. Chairman, just let me simply add we probably crossed the Udall threshold. Everything that has been said, that needs to be said, has been said, and finally, perhaps, everyone has said it.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the original TEAM Act language and in opposition to the proposal of the substitute offered by the gentleman from Ohio [Mr. SAWYER].

One of the things that has really hit home to me over recent years is things change. Things are always changing, and all aspects of our society are in a constant state of dynamic flux, and growth, and development, and one of those areas is in the area of employer-employee relations.

The model of employer-employee relations that existed, that grew out of labor disputes that occurred in the 1930's in this country, is no longer applicable. We have competitors on the international scene today who do not have unions in their country, but have very, very robust work forces, and we have to, as a Nation, evolve and develop methods of competing on that international landscape within the constraints of what our system is like here in the United States, and I think the original language of H.R. 743 meets that requirement in that it allows these teams to develop in the workplace that allow employees to get together, and set some standards and enable the operation that they are working in to be as efficient as possible, and I spoke on this floor this morning about a particular instance which I think is really a hallmark of how successful this can be, and I talked about a company, a major corporation in the United States, that had an employee that was accounting for 73 percent of the defects within their organization, and he was clearly the most affected one, and in the old model he probably would have been fired. But this company set up a team, and they developed ways to help him to be more efficient and to deal with the problem of the large number of defective products that he was producing in their operation, and the amazing end of the story is this guy ended up working with his employees and adjusting the work environment to ending up being their most successful employee in the organization, and it clearly shows that this act is worker-friendly, it helps our businesses to be as competitive and effective as they possibly can be, and it also, when we look at the case of Joe, how he was able to be the best that he could be.

I think this is an act for the 1990's. It is the kind of legislation that we need to help us move into the next century and continue to be the world's most productive nation in the world, and with that I again reiterate my support for the original language.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Ohio [Mr. SAWYER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SAWYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 221, not voting 9, as follows:

[Roll No. 688]

AYES—204

Abercrombie	Brewster	Conyers
Ackerman	Browder	Costello
Andrews	Brown (CA)	Coyne
Baesler	Brown (FL)	Cramer
Baldacci	Brown (OH)	Danner
Barcia	Bryant (TX)	de la Garza
Barrett (WI)	Cardin	DeFazio
Becerra	Chabot	DeLauro
Beilenson	Chapman	Dellums
Bentsen	Clay	Deutsch
Berman	Clayton	Dicks
Bevill	Clement	Dingell
Bishop	Clyburn	Dixon
Boehlert	Coleman	Doggett
Bonior	Collins (IL)	Doyle
Borski	Collins (MI)	Duncan
Boucher	Condit	Durbin
Edwards	LaFalce	Rangel
Engel	Lantos	Reed
Eshoo	Levin	Regula
Evans	Lewis (GA)	Richardson
Farr	LoBiondo	Rivers
Fattah	Lofgren	Roemer
Fazio	Lowey	Rose
Fields (LA)	Luther	Roybal-Allard
Filner	Maloney	Rush
Flake	Manton	Sabo
Foglietta	Markey	Sanders
Forbes	Martinez	Sawyer
Ford	Martini	Schroeder
Fox	Mascara	Scott
Frank (MA)	Matsui	Serrano
Frisa	McCarthy	Sisisky
Frost	McDermott	Skaggs
Furse	McHale	Skelton
Gejdenson	McHugh	Slaughter
Gephardt	McKinney	Smith (NJ)
Gibbons	McNulty	Spratt
Gonzalez	Meehan	Stark
Gordon	Meek	Stockman
Green	Metcalf	Stokes
Gutierrez	Mfume	Studds
Hall (OH)	Miller (CA)	Stupak
Hamilton	Mineta	Tejeda
Harman	Minge	Thompson
Hastings (FL)	Mink	Thornton
Hefner	Mollohan	Thurman
Hilliard	Moran	Torres
Hinchey	Murtha	Torricelli
Hoke	Nadler	Towns
Holden	Neal	Traficant
Houghton	Oberstar	Velazquez
Hoyer	Obey	Vento
Jackson-Lee	Olver	Visclosky
Jacobs	Ortiz	Walsh
Johnson (SD)	Orton	Ward
Johnson, E. B.	Owens	Waters
Johnston	Pallone	Watt (NC)
Kanjorski	Pastor	Waxman
Kaptur	Payne (NJ)	Weldon (PA)
Kelly	Pelosi	Williams
Kennedy (MA)	Peterson (FL)	Wilson
Kennedy (RI)	Peterson (MN)	Wise
Kennelly	Pickett	Woolsey
Kildee	Pomeroy	Wyden
King	Poshard	Wynn
Kleczka	Quinn	Yates
Klink	Rahall	Young (AK)

NOES—221

Allard	Crane	Greenwood
Archer	Crapo	Gunderson
Armey	Cremeans	Gutknecht
Bachus	Cubin	Hall (TX)
Baker (CA)	Cunningham	Hancock
Baker (LA)	Davis	Hansen
Ballenger	Deal	Hastert
Barr	DeLay	Hastings (WA)
Barrett (NE)	Diaz-Balart	Hayes
Bartlett	Dickey	Hayworth
Barton	Dooley	Hefley
Bass	Doolittle	Heineman
Bateman	Dornan	Herger
Bereuter	Dreier	Hilleary
Bilirakis	Dunn	Hobson
Billey	Ehlers	Hoekstra
Blute	Ehrlich	Horn
Boehner	Emerson	Hostettler
Bonilla	English	Hunter
Bono	Ensign	Hutchinson
Brownback	Everett	Hyde
Bunn	Ewing	Inglis
Bunning	Fawell	Istook
Burr	Fields (TX)	Johnson (CT)
Burton	Flanagan	Johnson, Sam
Buyer	Foley	Jones
Callahan	Fowler	Kasich
Calvert	Franks (CT)	Kim
Camp	Franks (NJ)	Kingston
Canady	Frelinghuysen	Klug
Castle	Funderburk	Knollenberg
Chambliss	Gallegly	Kolbe
Chenoweth	Ganske	LaHood
Christensen	Gekas	Largent
Chrysler	Geren	Latham
Clinger	Gilchrest	LaTourette
Coble	Gillmor	Laughlin
Coburn	Gilman	Lazio
Collins (GA)	Goodlatte	Leach
Combest	Goodling	Lewis (CA)
Cooley	Goss	Lewis (KY)
Cox	Graham	Lightfoot

Lincoln	Payne (VA)	Smith (WA)
Linder	Petri	Souder
Lipinski	Pombo	Spence
Livingston	Porter	Stearns
Longley	Portman	Stenholm
Lucas	Pryce	Stump
Manzullo	Quillen	Talent
McCollum	Radanovich	Tanner
McCrery	Ramstad	Tate
McDade	Riggs	Tauzin
McInnis	Roberts	Taylor (MS)
McIntosh	Rogers	Taylor (NC)
McKeon	Rohrabacher	Thomas
Menendez	Ros-Lehtinen	Thornberry
Meyers	Roth	Tiahrt
Mica	Roukema	Torkildsen
Miller (FL)	Royce	Upton
Molinari	Salmon	Vucanovich
Montgomery	Sanford	Waldholtz
Moorhead	Saxton	Walker
Morella	Scarborough	Wamp
Myers	Schaefer	Watts (OK)
Myrick	Schiff	Weldon (FL)
Nethercutt	Seastrand	Weller
Neumann	Sensenbrenner	White
Ney	Shadegg	Whitfield
Norwood	Shaw	Wicker
Nussle	Shays	Wolf
Oxley	Shuster	Young (FL)
Packard	Skeen	Zeliff
Parker	Smith (MI)	Zimmer
Paxon	Smith (TX)	

NOT VOTING—9

Bilbray	Moakley	Solomon
Bryant (TN)	Reynolds	Tucker
Jefferson	Schumer	Volkmer

□ 1710

Mr. BARTLETT of Maryland and Mr. LEWIS of California changed their vote from "aye" to "no."

Mrs. CLAYTON and Messrs. GEJDENSON, HOKE, GIBBONS, FORBES, and ENGEL changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to section 1?

Mrs. ROUKEMA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the TEAM Act, and would like to commend Congressman GUNDERSON, Chairman GOODLING, and Subcommittee Chairman FAWELL for their continued efforts in bringing this bill to the floor. As a member of both the subcommittee and full committee, I can tell you that legislation aimed at increasing employer-employee cooperation has been in the works for years, and I am happy to say that today we finally have the opportunity to make this small but significant change in workplace policy.

Mr. Chairman, as I just alluded to, the TEAM Act is long overdue legislation. For 60 years, the National Labor Relations Act has played a critical and necessary role in protecting the rights of employees from being exploited by their employers. And, in 1995, it plays just as important of a role in ensuring that these rights continue to be protected, which is why employees have the ability to collectively bargain. But, times have changed, Mr. Chairman.

In this global economy, it is imperative for there to be greater dialog and interaction between employer and employee. Considering that a company's employees are closest to production, it is essential that employers have the opportunity to discuss with them circumstances which impact efficiency and productivity and that make a company better-equipped to compete in today's international market.

It is time that we recognize this, and the TEAM Act is an important step in this direction.

What the TEAM Act does is amend section 8(a)(2) of the National labor Relations Act to make employee-involvement committees legal in nonunion settings. These committees would be able to discuss issues of mutual interest such as quality and health and safety, but they could not "have, claim, or seek authority to be the exclusive bargaining representative of the employees or to negotiate or enter into collective bargaining agreements * * *"

What this means is that an employee-involvement committee cannot assume the role of a union. And, in numerous rulings over the years, the National labor Relations Board has ruled various employee involvement committees to be illegal because they violated section 8(a)(2) by seeking to be the exclusive bargaining representative.

In union settings, if an employer sought the formation of an employee-involvement committee, he would have to consult the operating union and seek its approval. So, the union has the final say and can veto the employer's request, thereby preventing the creation of such a committee. And, no one can honestly believe that a union would allow the establishment of an employee-involvement committee which could potentially undermine the union's collective bargaining powers.

Unfortunately, unions too readily assume that, if an employer is involved in setting up an employee-involvement committee, then he or she will only seek to dominate and take advantage of employees. This argument might have been 100 percent valid 60 years ago, which is why the National Labor Relations Act is so proscriptive, but it is certainly not the case today.

The bottom line is that the National Labor Relations Act is so broadly written and so widely interpreted so as to deem illegal anything that remotely resembles a labor organization. The TEAM Act seeks to reconcile this ambiguity by permitting some employer-employee cooperation in nonunion settings.

Mr. Chairman, it is time we stop assuming that an employer's main function is to control and restrict the rights of the people who work for him. Maybe 60 years ago, but not now. A tremendous amount can be gained when employers and employees work as a team. And, if we continue to prevent this increased dialog from taking place, we are placing U.S. companies and businesses at a significant competitive disadvantage as we enter the 21st century.

I urge my colleagues to support this important legislation.

The CHAIRMAN. Are there further amendments to section 1? If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the escalating demands of global competition have compelled an increasing number of employers in the United States to make dramatic changes in workplace and employer-employee relationships;

(2) such changes involve an enhanced role for the employee in workplace decisionmaking, often referred to as "Employee Involvement", which has taken many forms, including self-managed work teams, quality-of-worklife, quality circles, and joint labor-management committees;

(3) Employee Involvement programs, which operate successfully in both unionized and nonunionized settings, have been established by over 80 percent of the largest employers in the United States and exist in an estimated 30,000 workplaces;

(4) in addition to enhancing the productivity and competitiveness of businesses in the United States, Employee Involvement programs have had a positive impact on the lives of such employees, better enabling them to reach their potential in the workforce;

(5) recognizing that foreign competitors have successfully utilized Employee Involvement techniques, the Congress has consistently joined business, labor and academic leaders in encouraging and recognizing successful Employee Involvement programs in the workplace through such incentives as the Malcolm Baldrige National Quality Award;

(6) employers who have instituted legitimate Employee Involvement programs have not done so to interfere with the collective bargaining rights guaranteed by the labor laws, as was the case in the 1930's when employers established deceptive sham "company unions" to avoid unionization; and

(7) Employee Involvement is currently threatened by legal interpretations of the prohibition against employer-dominated "company unions".

(b) PURPOSES.—The purpose of this Act is—

(1) to protect legitimate Employee Involvement programs against governmental interference;

(2) to preserve existing protections against deceptive, coercive employer practices; and

(3) to allow legitimate Employee Involvement programs, in which workers may discuss issues involving terms and conditions of employment, to continue to evolve and proliferate.

The CHAIRMAN. Are there amendments to section 2?

If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. EMPLOYER EXCEPTION.

Section 8(a)(2) of the National Labor Relations Act is amended by striking the semicolon and inserting the following: ": Provided further, That it shall not constitute or be evidence of an unfair labor practice under this paragraph for an employer to establish, assist, maintain, or participate in any organization or entity of any kind, in which employees participate, to address matters of mutual interest, including, but not limited to, issues of quality, productivity, efficiency, and safety and health, and which does not have, claim, or seek authority to be the exclusive bargaining representative of the employees or to negotiate or enter into collective bargaining agreements with the employer or to amend existing collective bargaining agreements between the employer and any labor organization, except that in a case in which a labor organization is the representative of such employees as provided in section 9(a), this proviso shall not apply;"

AMENDMENT OFFERED BY MR. MORAN

Mr. MORAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORAN: Page 7, line 16, strike "employees" and insert "representatives of employees, elected by a majority of employees by secret ballot,".

□ 1715

Mr. MORAN. Mr. Chairman, I had the Clerk read the entire amendment because it is so short. It is very simple: It says that if you are going to have employee representatives, those people ought to in fact be representative of the employees. The only way that you can get fair representation is through a democratic process.

Mr. Chairman, if you are going to have legitimate representatives of employee groups, then they ought to be elected. I cannot think of any other legitimate way to decide who ought to represent a group of individuals than through the democratic process. All this amendment does is to say that for employee representatives, they will be chosen through a democratic process by the employees themselves. That is all it does.

I agree that we ought to have more creativity and flexibility in the workplace to deal with the advances in technology and the globalization of our economy. The problem is that this legislation's bottom line, if it is not corrected by this amendment, will give carte blanche authority to management to create, to mold, and to in fact terminate employee organizations dealings with issues such as wages and benefits, the guts of employee-management relationships.

The amendment I offer does not affect the tens of thousands of currently existing employee involvement groups. It does not affect them at all. It does require that when groups are formed to discuss the terms and conditions of employment, that they be democratically elected, and that is the whole purpose for this bill, because currently the National Labor Relations Act precludes employee groups from being able to determine the wages and conditions of employment.

If you are going to get into that area, then the people that you negotiate with ought to be truly representative of the work force.

Employee involvement groups have been successful at developing a number of creative solutions in a flexible environment, but they have not to date dealt with wages and benefits. That issue deserves a higher level of scrutiny. This will provide that higher level of scrutiny. It will make sure that the only people who are representing the employees are not the teacher's pet types of individuals who in fact are not representative. Some of them may be; some of them, we are sure, will not be. The only way to determine if they are representative is to let the employee choose them, and that is what this amendment does.

The TEAM Act abolishes the restriction in the National Labor Relations Act that restricts these employee involvement groups to discussing the terms and conditions of employment. We are told that this is not an obstruction to anything that currently exists within the workplace on the one hand by management. We are told by labor unions that all this is is an attempt to create sham unions.

You cannot have it both ways. It will in fact be a confirmation that they are sham unions if the employee representatives are not democratically selected.

Mr. Chairman, this part of the National Labor Relations Act was enacted in 1935 specifically to abolish sham unions. They flourished in the 1920's and 1930's. They are not entirely a thing of the past now. The courts in this country see dozens of sham union cases each year.

The statute we are replacing today is the only mechanism that prevents the deliberate formation of sham unions. The National Labor Relations Board former chairman, Edward Miller, now an attorney representing management interests, recognized this. He said, "If this section were repealed, I have no doubt in not too many months or years sham company unions would again occur. As the Congress proceeds to change labor law in such a profound fashion, we should not deprive workers of the basic right of choosing their own representatives."

My amendment allows employee involvement groups to discuss these conditions. It guarantees fairness by requiring democratic elections. It is a simple amendment. It makes common sense. I think it is the only way that Members in good conscience should support the kind of bill we are considering today.

Mr. WELDON of Florida. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think one of the mistakes this body has made for a very long time is that they do not look at what is going on out there in the marketplace. They make a decision as to what they think would be best, and then try to force that decision on the marketplace.

I know in my particular circumstances, in my district I have a very large employer that has a very long track record of having a very successful experience with teams. They have many different divisions and they have many different departments within each division. In most of these places they have teams. In some of the offices, the teams are actually elected, and some of them they are not, they are decided by acclamation.

I think it would be a mistake for us to come along and say in this TEAM Act that you have to do it the way we think it is done best. In our legislation, we do not mandate it, and I personally believe it would be a mistake in this particular circumstance to make a change like this.

I think the businesses that are working with this concept have devised a variety of different ways to make it work most successfully within the teams. The whole concept of this is that you get away from an adversarial environment where everybody is kind of coming together and everybody is giving their input into the process. Usually it is extremely democratic. If it is not, you do not get the level of satisfaction, the high level of satisfaction and the high level of morale that these teams have shown repeatedly in business after business that it works so well in.

For us here in Washington to say no, no, no, you have got to do it a certain way, I think it would be in my opinion a real mistake. The teams that are working in the businesses in my district, it is very, very democratic. In some instances it is by election, in some instances it is the whole department working together as a team. So to have an election is kind of ludicrous, where everybody in the office is taking part in the decisionmaking process.

So I respectfully rise in opposition to my good colleague's amendment, and I would encourage my colleagues to vote against the Moran amendment.

Mr. MORAN. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, I would like to ask the gentleman, since he has emphasized the point that most of these teams are in fact democratically elected, what is wrong with ensuring that they all be democratically elected? Apparently, it would not change most of the structure of these team units.

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, the point is basically this. In some of the teams it is everybody. So the point of having an election is unnecessary. In some of the teams it is by acclamation. To have the NLRB making sure that all of these teams are elected, considering how politicized the NLRB is, I think would be a very, very big mistake.

We have businesses that are thriving using this technique. They are becoming more and more competitive. The business I am referring to would have had to have laid 1,000 people off, more than they ended up having to lay off because of the defense cutbacks, were it not for the fact they were able to dramatically expand their international sales. One of the ways they have been able to maintain a high level of productivity and efficiency is through the implementation of these team concepts.

For us to interject another regulation and another level of Federal bureaucracy into the process I think would be a grave mistake. I understand the good gentleman's legitimate concern to make sure it is a Democratic

process, but I respectfully rise in opposition.

Mr. MORAN. Mr. Chairman, if the gentleman would yield further, I would inform the gentleman there is no mention of a Federal bureaucracy in the amendment. The amendment simply says that they would be representatives of employees elected by a majority of employees by secret ballot. A very simple amendment.

Mr. WELDON of Florida. Mr. Chairman, I agree. You know how that would be enforced, through the NLRB.

Ms. HARMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Moran amendment and in opposition to the bill in its present form.

The Moran amendment highlights what is wrong with this bill—the bill permits company domination of cooperative workplace organizations, including, most importantly, the selection of the members of these organizations.

Proponents of the bill insist that the Moran amendment is unnecessary—that nothing in the bill precludes the election of employee members to these organizations.

Yet nothing in the bill guarantees the democratic election of worker representatives. Without the amendment, companies can organize, hand-pick, and set the agenda for employee representation committees and then portray the committees as legitimate employee involvement. That is wrong.

If the Moran amendment is unnecessary, then this bill is unnecessary. For nothing in section 8(a)(2) of the National Labor Relations Act precludes employee involvement in workplace organizations that discuss productivity, efficiency, and safety and health. Nothing in current law and in current NLRB decisions prevents workers and management from addressing and responding to the internationally competitive business environment.

Proponents of the bill argue that the NLRB's decision in the case of Electomation, Inc. caused a "chilling effect" on employee involvement programs, yet the data indicate the contrary. In the 2½ years since the decision, employee involvement programs have continued to grow at a healthy pace, especially in small firms.

To the extent that the Electromation ruling may have clouded the law, the Sawyer amendment, which I also support, clarifies it. But, in my view, the unanimous decision in the Electromation case by a Reagan-Bush appointed NLRB and a Seventh Circuit U.S. Court of Appeals panel clearly distinguishes the facts in that case. Perhaps that is why the National Association of Manufacturers testified in September, 1994 before the Commission on the Future of Worker-Management Relations that it did not see the need for, and did not propose or support, legislative changes to section 8(a)(2).

Mr. Chairman, workplace cooperation is certainly critical to our Nation's ability to compete in the next century. But such cooperation is already possible, indeed, it is flourishing under current law. The key to the success of this cooperation is true independence and freedom of association and representation. It is anathema to our Nation's core values to suggest that company domination of such workplace organizations is the path we must follow to be competitive in the future.

Employees and employers can work together now, without Congress resorting to legislation legitimizing company dominated and controlled unions.

I urge support of the Moran amendment and defeat of the bill in its present form.

Mr. FAWELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also have to oppose the amendment, the concept of introducing an election into this area of voluntary employee teams. Again, I would ask that one stop and recognize that all of what is happening right now in the nonunion sector, where you have obviously all these thousands and thousands of employee teams to which reference has been made, and what we would be doing now is to introduce the concept of an election, and that in turn raises all kinds of questions.

You see, we would begin to now restrict and to regulate that which is totally, freely functioning right now. Questions would abound. How would the employer determine who is being represented and gets to vote in the secret ballot election? What management members of the team also represent the employees? If so, would they have to be elected? How long would the campaign period have to be before the election? How would the employer determine whether employees represent other employees? Would the NLRB conduct the election? If not, who would police it to make sure the ballot is truly secret and there is no coercion?

One can go on and on and on.

□ 1730

We must remember that workplaces continuously form numerous teams; some are permanent, some are just ad hoc, performing a wide variety of tasks, and of a very temporary nature. Teams can be formed to address emergency situations, such as determining scheduling and job responsibilities. Membership changes continuously.

Mr. Chairman, this introduces a morass of problems which, understandably, upon first blush, especially if one is not familiar with the National Labor Relations Act and the National Labor Relations Board, it introduces all kinds of problems. It sounds good. I know the gentleman's intentions are good, but, once again, we have a good thing going, it is flourishing, and we ought not to do harm. We should follow the Hippocratic oath and first do no harm. This would do a lot of harm.

Mr. ABERCROMBIE. Mr. Chairman, I move to strike the requisite number of words.

Mr. CLAY. Mr. Chairman, I ask unanimous consent that we limit debate on each of the amendments, including this one, to 10 minutes, to be equally divided between both sides, 5 minutes each, and permission to roll the votes.

The CHAIRMAN. The Chair would state it is not possible in the Committee of the Whole to get permission to postpone votes.

Will the gentleman from Missouri [Mr. CLAY] withhold his request until the gentleman from Hawaii has completed his statement and renew the request at that time.

The gentleman from Hawaii [Mr. ABERCROMBIE] is recognized for 5 minutes.

Mr. ABERCROMBIE. Mr. Chairman, I find this a profoundly sad day. We are talking here, and actually having people stand up on the floor of the House of Representatives, the people's House in the United States of America and saying that if the Moran amendment passes we will be introducing the concept of elections to working people with respect to who might represent their positions as to the terms and conditions of their activities in the workplace.

That is what the whole collective bargaining idea has been about. Yes, it probably is strange to some of the people in this body, I am sorry to say, that workers might have an idea about who could represent them; that the condescending patronizing idea that possibly workers know what is good for them and can organize themselves accordingly some people still find strange.

Mr. Chairman, what I find strange is I know that my mother was fired from her job for marrying my father. My mother. This is not ancient history. My mother was fired from her job teaching in Buffalo, NY, for marrying my father. And I remember her saying to me when I first got involved with organizing labor, that all she could do was go to the principal's office, then go to see the superintendent of schools and stamp her foot. There was nothing she could do. It was the depression and the assumption was that if a woman married, then it was up to the husband to provide and she lost her job. No recourse.

I do not know what team was involved there. I do not know what organization got put together by management in Buffalo, NY, during the depression.

What about all these mergers and layoffs? Is there a team put together to discuss what the compensation for Ted Turner is going to be? I know he got on television and said he was never going to starve again. Well, I am certainly very happy about that, but I do not know if any team got together to discuss it. I know that with virtually every merger that takes place in this country, thousands of people are laid off of their jobs. Has it been discussed with them? Is that a concept? Yes, in this private sector out there, which is a nonunion sector right now, I guess it does strike people strange that people might want to organize.

Let us go over what the Moran amendment says. It says that employee involvement groups that discuss the terms and conditions of employment must be elected by the employees. This is the United States of America. I do not think we would find this strange in the Solidarity movement in Poland. I think we are suggesting the same thing in Burma. I think we are suggesting the same thing all over the world and yet we want to take it away from ourselves?

Mr. Chairman, we have to vote on this. This is going to make a statement for all of us in here as to whether or not we believe that the working people of the United States of America are not only capable of making decisions about the terms and conditions of their life and their workplace, but that we, in fact, as Americans, proud Americans, free men and women, are encouraging that and supporting that. That has made the difference for labor and management in terms of freedom and democracy in this country ever since this Congress, this House of Representatives, this legislative body, this national representative body said that organizing for collective bargaining purposes was a fundamental right of working men and women in this country.

To vote against the Moran amendment is to say that we oppose free elections by free men and women with respect to the conditions of work that they want to endure or undergo. Of course they can speak with management. Will they discuss the salaries and compensation of management? Will that be part of the team effort? I doubt it. It has not been that up to this time.

Mr. Chairman, what I say is if we are in favor of men and women being able to determine the terms and conditions of their work in a cooperative setting, then allow them to elect the people who are going to represent that point of view. To do anything less is to undermine the very basis of collective bargaining in this Nation.

Miss COLLINS of Michigan. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Moran amendment that would require that employee representatives who discuss the terms and conditions of employment with management be elected by fellow employees. The so-called TEAM Act would amend section 8(a)(2) of the National Labor Relations Act to allow employers to establish, finance, maintain, and control employee-participation committees to deal with workers regarding their wages, hours, and other conditions of employment. Mr. Chairman, it seems to me that the employees would be the best source for information when it comes down to their working conditions.

Mr. Chairman, this TEAM Act, if passed in present form, would violate the fundamental notions of democracy which underlie our Nation's system of labor relations. It seems to me that my colleagues on the other side of the aisle believe that workers must not be allowed to choose their own representatives but have them dictated by their respective company. This is a prime example of a Contract on America and its workers.

Mr. Chairman, this TEAM Act also gives unscrupulous employers a powerful weapon for undermining union organizing drives in nonunion workplaces. Whenever an employer gets wind that workers are considering joining a legitimate labor union, it would be an easy matter to establish a phony company-dominated employee-participation committee as a device for suppressing the ability of workers to have meaningful, independent representation.

Mr. Chairman, the TEAM Act is a radical piece of legislation that would allow employers to dictate to workers who will represent them in discussions concerning basic conditions of employment. By doing this, it would rob workers of their right to have their own independent voice. This in turn will inevitably undermine their ability to act collectively to maintain a middle-class standard of living.

Mr. Chairman, I urge all my colleagues to support the Moran amendment.

Mr. HOUGHTON. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment. I will not speak for 5 minutes, Mr. Chairman, but I appreciate your letting me speak at all, since I have already spoken on this issue.

I would like to talk about the Moran amendment for just a minute. I have tremendous respect for the gentleman from Virginia [Mr. MORAN]. He is one of the outstanding Members of this body. The key issue here is fair representation without challenging management rights, and we do that through a secret ballot, and we do it through a secret ballot because we want to get the right people. I understand that. I understand what the gentleman is driving at.

Mr. Chairman, I happen to agree with the gentleman from Ohio [Mr. SAWYER], and I voted for his amendment, but I think this is wrong, and I tell Members why. I cannot really talk about offices too much but I can talk about factories. There are certain dynamics and culture on the factory floor which cannot be regulated this way. Therefore, I think, from a practical standpoint, it will not work. Frankly, in the long run, I do not think it will be fair.

Mr. WISE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of the Moran amendment. I think it brings some balance to this bill. I have gone back and forth on this TEAM Act, and, quite frankly, I have been undecided until recently. I have listened to the arguments, and all sides bring a lot to it. In talking to people that I have a great deal of respect for, both on the management side and the union side, I have come away a little confused.

Mr. Chairman, both make powerful arguments, but I guess I started looking at some statistics and some facts and the concern was, as I understand it, the purpose of the TEAM Act is to permit nonunion operations to be able to form quality groups, to be free of what they consider to be the fetters of the National Labor Relations Act. I began looking to see what the situation is, and what I found is that nonunion companies, as well as union companies, but nonunion companies have already been free.

I look at the statistics and see that productivity in this country is at an all-time high and on a sustained basis. In fact, Business Week magazine just ran an article a few weeks ago talking about how productivity is up, profits are up, but there is a disconnect because wages are tending to go down.

Mr. Chairman, that tells me that productivity is up and so something must be occurring. I have looked at some of the companies that have come and said they need TEAM. One was in my office today. I am fascinated because they just went through a grueling restructuring in which they created new divisions. They have greatly improved their operation. They are back to being a truly world class competitor once again, and they have done it without TEAM. They have been able to form the employee consultation that they needed. They do not agree with my analysis, but yet that is the way it seems to be.

I look at other major companies. How did, for instance, Nissan in Tennessee, and how did Toyota in Ohio, and how did Motorola and others begin to be once again the economic juggernauts of industrial forces. The reality is they have been able to do it all and without TEAM.

Finally, Mr. Chairman, I looked at the National Labor Relations Board and found that since the Electromation case in 1992, which is really sort of

what brought this on, I found there had been a handful, at best, of complaints filed by companies saying that they do not have this ability.

For all of those reasons, Mr. Chairman, I rise to oppose the act. But if the act is going to pass, certainly I would hope the Moran amendment would be passed to bring some balance to it.

□ 1745

Mr. GOODLING. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. SALMON] having assumed the chair, Mr. KOLBE, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes, had come to no resolution thereon.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 743, TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

Mr. CLAY. Mr. Speaker, I have a unanimous-consent request at the desk.

The SPEAKER pro tempore (Mr. SALMON). The Clerk will report the request.

The Clerk read the following:

Mr. CLAY asks unanimous consent that during further consideration of the bill H.R. 743 in the Committee of the Whole pursuant to House Resolution 226, no further amendment shall be in order except the following—

(1) the amendment of Representative Traficant of Ohio, to be debatable for 10 minutes; and

(2) the amendment of Representative Doggett of Texas, to be debatable for 10 minutes; and

further, that each amendment—

(1) may be offered only in the order specified;

(2) may be offered only by the specified proponent or a designee;

(3) shall be considered as read;

(4) shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent;

(5) shall not be subject to amendment; and

(6) shall not be subject to a demand for division of the question, and further, that the chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the chairman of the Committee of the Whole may reduce to not less than five minute the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

Mr. GOODLING. Mr. Speaker, reserving the right to object, I ask unanimous consent that we have 2½ minutes on each side to complete the amendment of the gentleman from Virginia [Mr. MORAN], because all of those Members that got up and spoke over there, after we agreed that no more would get up and speak, I told my side they could get up and speak. So now we have to give 2½ minutes to either side on the amendment of the gentleman from Virginia [Mr. MORAN].

Mr. GOODLING. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. CLAY. Mr. Speaker, reserving the right to object, nobody was listening to the speakers and I suggest that nobody is going to listen to the ones that the gentleman brings forth now.

Mr. Speaker, I have no objection to the unanimous consent request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania to modify the unanimous-consent request of the gentleman from Missouri?

There was no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri [Mr. CLAY], as modified?

There was no objection.

TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

The SPEAKER pro tempore (Mr. SALMON). Pursuant to House Resolution 226 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 743.

□ 1747

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 743) to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes, with Mr. KOLBE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, section 3 had been designated and pending was the amendment offered by the gentleman from Virginia [Mr. MORAN].

Pursuant to the order of the House of today, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

Debate on each further amendment to the bill will be debatable for 10 minutes, equally divided between the proponent and an opponent of the amendment.

Two and one-half minutes remain on each side on the Moran amendment. The gentleman from Virginia [Mr. MORAN] controls 2½ minutes and the gentleman from Pennsylvania [Mr. GOODLING] controls 2½ minutes and will be entitled to close the debate.

Mr. MORAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are some things that I want to emphasize in this, because some of my very good friends have spoken on this, and perhaps there may be some misunderstanding.

In the first place, this does not affect any of the teams that currently exist that enable employers to deal with employees. This only affects groups that are set up to discuss the wages and working conditions. Those specific, most profound issues that are restricted by the National Labor Relations Act. Because the Labor Relations Act says that if you are going to discuss the wages and conditions of employment, then you really need legitimate elected representatives.

Mr. Chairman, that is all this amendment does. This amendment simply says that if you are going to have people making those determinations, the most important determinations in terms of the work force, then those representatives of the employees ought to be democratically elected by the employees.

It does not go into a lot of rigamarole on how it might occur. I am sure there might be many ways of doing it, but it has to be a secret ballot and that is all that we ask. We do not tie it to any Federal bureaucracy. But I know that this is an aspect of fairness that not only legitimizes this bill, if it were to pass, but legitimizes the labor-management relationship within the work force.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] is recognized for 2½ minutes.

Mr. GOODLING. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, let me describe why this amendment is not going to work and why it reflects the mentality that simply does not reflect what is going on in the workplace today.

Let us take again a real-life example; not something that is going on in the Congress. People in the workshop are upset. They have been working a lot of overtime and maybe they do not like that. They have been complaining to the supervisor.

No union is present and no organizing. The supervisor goes to the plant manager. What can the plant manager do? The other side has admitted that there is a problem. That the plant manager cannot just form some kind of a team under current law to examine it; that it would be illegal under current law. So what can the plant manager do?

Mr. Chairman, he can just say, "Forget it. I am going to make the decision myself. We are going to continue working the way we are." What we want to say is let him do what people are already trying to do in thousands of places around the country. Say, "Okay. You talk to the people involved in it. Make sure you talk to Bill and Fred. Get them together and come up with a solution."

Mr. Chairman, what the amendment would say, before he can do that he has got to have an election with a secret ballot. What unit are you going to use? Just the craft unit in the plant? Are you going to use the whole unit? What day are you going to have the election? How many weeks are they going to have beforehand? What is the nominating process? How are they going to conduct the secret ballot?

Mr. Chairman, it is going to take months to resolve something that people in the real world outside of Government need to get resolved quickly. The effect of this amendment, or the defeat of this bill, would be to say, in effect, management must act dictatorially unless the employees choose the union.

Mr. Chairman, why do we want to force that in the workplaces on the employees and the employees in the United States? If people have a representative who will go in and collectively bargain and want a secret ballot and they want the months and months of campaigning, there is a method to get that. Under current law, it is called a union. If that is what they want, they can have it.

Mr. Chairman, we should not foreclose this expeditious means of getting people involved in decisions that are going to have to be made dictatorially by management. There is a problem. We have established consensus. This is a narrowly tailored bill to achieve it. The amendment, although offered in good faith, and I respect the work of the gentleman from Virginia [Mr. MORAN], is unworkable. Defeat the amendment and pass the bill.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Virginia [Mr. MORAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GOODLING. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Virginia [Mr. MORAN], will be postponed.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 7, line 16, strike "employees" and insert "who participate to at least the same extent practicable as representatives of management,".

The CHAIRMAN. Pursuant to the unanimous-consent request, the gentleman from Ohio [Mr. TRAFICANT] will be recognized for 5 minutes, and the gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment basically says, page 7, line 16, after "employees," insert, "who participate to at least the same extent practicable as representatives of management."

Mr. Chairman, this amendment is predicated on legal precedents of law now. Section 302 of the 1947 Taft-Hartley Act allows multi-employer pension funds in this case to be administered by a joint labor management board of trustees.

The key language in this legislation foundation is so long as both sides are equally represented. The statutory requirement ensures that equality is not illusory, but real. This does not micromanage business and it would offer some basic protections as it deals with fairness.

Now, there have been some attempts to reach common ground on this language, but I believe the language is, in fact, a basic, commonsense fairness provision.

Mr. GUNDERSON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Wisconsin.

Mr. GUNDERSON. Mr. Chairman, I want to compliment the gentleman for his effort in trying to work something out here. Let us clarify. I ask the gentleman whether I understand the amendment correctly. What the gentleman from Ohio is saying is that to the extent practicable, a team ought to have the same number of employers as employees?

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, to the greatest extent practicable all those matters of representation should be on an equal footing. I have left the language open in the event that there are some other mitigating factors which might cause some confusion.

Mr. GUNDERSON. Mr. Chairman, if the gentleman would yield further, and in our previous discussions that the gentleman and I had before he brought the amendment up, in a situation, for example, in a small business where I happen to be the employer and I happen to have 30 employees, that does not mean that we would limit the team to 1 employee.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, no, it would not. To the greatest extent practicable, fairness, and where it can be reached, equality in reaching these cooperative provisions that the bill espouses. Where they can be obtained, to the greatest extent practicable that shall be the benchmark and the guiding mark.

Mr. GUNDERSON. Mr. Chairman, I appreciate the gentleman's clarification.

Mr. TRAFICANT. Mr. Chairman, let me say this. Democrats are looking for some sinister side to this. The Republicans are not; they are saying it is all well-intentioned. Frankly, I do not know. All I know is this. If we are going to have these teams, there has been a statutory benchmark that says, Look, when we have joint employer-employee groups, the key legislative legal language is "fair and equal representation." Everybody having the same input as possible.

Now, I would be willing to work out anything that would reach the intent of that language, but I do not believe that there is much of a difference in the positions that we have discussed.

□ 1800

I believe the language is self-explanatory to the greatest extent practicable, but it ensures that fairness provision, as listed in section 302 of the Taft-Hartley Act, which speaks to participatory committees.

Mr. GUNDERSON. Mr. Chairman, if the gentleman will continue to yield, who defines whether it is practicable?

Mr. FAWELL. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Illinois.

Mr. FAWELL. Mr. Chairman, the question that I have here, and I am not trying to be difficult, basically, as I understand the gentleman's amendment, section 3 would read that, it shall not constitute or be evidence of an unfair labor practice under this paragraph for an employer to establish, assist, maintain or participate in any organization or entity of any kind in which employees participate.

The CHAIRMAN. The time of the gentleman from Ohio [Mr. TRAFICANT] has expired.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I yield to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, in which employees participate to at least the same extent practicable as representatives of management.

My question is, how do we determine whether or not the employees are participating to the same extent as representatives of management? It is not just a case of numbers. Now you are talking about a very subjective question of, are the employees participating to the same extent as are representatives of management. I do not know how that can be. I can see it being the formation of an awful lot of lawsuits.

Mr. TRAFICANT. Mr. Chairman, reclaiming my time, the existing language that deals with participatory committees under a labor setting is as long as both sides are equally represented. Now, I leave it open and broad enough, and to answer the gentleman from Wisconsin, that could be determined by the committee itself, those equally represented groups there, as to how and what in fact it is. It does not have to entail a big legal process. That would be my legislative intent.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] has 4 minutes remaining.

Mr. GOODLING. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. TALENT].

Mr. TALENT. Mr. Chairman, I wonder if the gentleman would answer a question. I can explain the problem I have got with his amendment. I see what the gentleman is driving at, but I want to explore why the gentleman thinks it is necessary, if I could.

Again, we are talking about real life problems that arise in the workplace. If the workplace is organized, if there is a union representing the employees, this bill does not apply. So we are talking about unorganized workplaces. So there is no union present.

Now, where there is no union present, without this bill, there is no question that management can decide these issues on its own without talking to anybody, can just say, we are going to change the scheduling and we are not going to change it. We do not care what people think. They just decide it on their own and do it. And that is perfectly legal.

So the question I have to ask the gentleman is, if a manager who decided on his own wants to say, well, look to the supervisor Joe, Joe, you and Fred go talk to Jane. So now there is two supervisors and Jane. What is wrong with allowing management to sample some employee opinion? Why do we have to require that they have some kind of equality when all that may result is management making the decision dictatorially.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. TALENT. I yield to the gentleman from Ohio.

Mr. TRAFICANT. Mr. Chairman, I am going to try to give as brief an answer as I can. I understand the gentleman's position. I accept it 101 percent. But if we also take that a step further, is it not the intent of this legislation to provide for those nonunion workplaces an opportunity for team coordination and cooperation to move the company forward?

With that in mind, every existing statute that covers participatory employer/employee groups has one basic bit of language, and it talks about equal opportunities within that group for both management and labor.

The Traficant amendment basically says to the greatest extent practicable that each side should have an equal opportunity to address those issues and have their say.

Mr. TALENT. Mr. Chairman, I would just say to the gentleman, I am not aware of every statute that says some kind of an equal participatory requirement. I mean, there is right now, what the statute provides is either management doing it entirely on its own without the participation of employees at all or a union being certified which is exclusively employees. So it seems to me the gentleman is trying to introduce a new concept. I do not know that it makes that much practical difference, but I think it is based on a misconception of what is going on out there again and what the act is designed to do.

So I thank the gentleman for offering it. I know it is in good faith, but I do not know that it is workable.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I need to have the gentleman make a change. Where he says strike and insert, and then he has to put employees back in before we go to who, "employees who participate."

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Ohio.

MODIFICATION OF AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I ask unanimous consent that page 7, line 16, "employees" would be listed there before "who participate to at least the same extent practicable as representatives of management."

The CHAIRMAN. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. TRAFICANT:

Page 7, line 16, strike "employees" and insert "who participate to at least the same extent practicable as representatives of management.".

Mr. GOODLING. Mr. Chairman, we accept the gentleman's amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GOODLING. I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment, as modified, offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment, as modified, was agreed to.

AMENDMENT OFFERED BY MR. DOGGETT

Mr. DOGGETT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DOGGETT:

Page 7, beginning on line 23, strike "in a case in which" and all that follows through page 8, line 2, and insert the following:

"this proviso shall not apply in a case in which—

(1) a labor organization is the representative of such employees as provided in section 9(a), or

(2) the employer creates or alters the work unit or committee during organizational or other concerted activities for the purpose of collective bargaining or other mutual aid or protection among such employees or seeks to discourage employees from exercising their rights under section 7 of the Act;".

The CHAIRMAN. Pursuant to the unanimous-consent agreement of today, the gentleman from Texas [Mr. DOGGETT] and the gentleman from Pennsylvania [Mr. GOODLING] will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, I yield myself such time as I may consume.

Early in the consideration of this legislation, I met with employers in Austin, TX, folks like 3M and Texas Instruments, Motorola, IBM. I have personally seen teams at work in those kind of manufacturing plants that are vital to consistently maintaining our unemployment in central Texas below 4 percent. I personally believe in the team concept. It is already in abundant use in my area, and it is helping to keep American firms competitive in the international marketplace.

Used appropriately, teams represent a process through which every employee is offered an opportunity to contribute to the maximum of that employee's potential. This approach represents one way for us to continue outperforming other countries.

Some of these employers apparently fear, because of one case, that there is the possibility of being involved in litigation with unscrupulous employees for doing what they are already doing, for doing what is occurring at the very moment that we are debating this bill down in Austin, TX and in progressive workplaces across America.

I do not have any personal problem with clarifying and protecting those employers under H.R. 743. But I think if we are going to protect the employer, we should also offer protection for the employee.

My amendment is targeted to do just that. Just as there could be an unscrupulous employee stirring up litigation, so there could be an unscrupulous employer. My amendment is an attempt to reap the benefits of the TEAM Act without allowing abuse of the employee.

It would simply make clear in a much more narrow way than my colleague, the gentleman from Ohio [Mr. SAWYER], attempted to do earlier that the TEAM Act itself is there, but it would be unfair for an employer to use a team to thwart an organizing drive. It says that the employer cannot create or alter a team during organizational or other concerted activities among employees.

In other words, an employer cannot start a team or stack a team to thwart an organizing drive. And it is entirely neutral on whether people should be organized. Just as with the sponsors of this act, I do not take a position one way or another as to whether people should be in unions. That is up to them. We just should not have another tool in that process that could thwart their choice to belong to a union.

The business leaders that I have talked to in Texas have said they are not out to create company unions or to thwart union drives through this legislation. So my amendment is consistent with what they say they need as well as with what they say they do not need.

Since our colleagues who are offering the TEAM Act say they also have no intention of interfering in union organization, I would say, let us just spell it out in the bill. That is what this amendment does.

I know that achieving moderation in this Congress when the issue is employer-employee relations, labor-management relations, is not an easy task. But that is what we ought to do here tonight. I personally voted today for the resolution that permitted the consideration of H.R. 743. I want to support the TEAM Act and vote for this bill. But let us be sure that we have provided protection for those employees who want the right to organize and that they do not get teamed up on.

Let us pass this amendment, because with it we can protect employees while giving employers the flexibility that the sponsors say they need and which I believe they need to compete globally.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLING. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, first of all I want to make sure that everybody understands that if an employer uses a team or committee to interfere with the right of employees to organize, that is prohibited by law and the TEAM Act would not change that in any way. All the protections in the National Labor Relations Act safeguarding the rights of employees to organize and form unions remains unaffected by the TEAM Act. Employers are still prohibited from interfering with the employees' ability to organize under section 8(a)(1) and are prohibited under section 8(a)(3) from discriminating against employees on the basis of union activity.

Prohibiting the creation of a team or alteration of a work unit during organizational activity would potentially call into question every team used because there is no way of ensuring that employers will be on notice that such activity is taking place in the workplace.

Is a discussion between two employees about the benefits of a union organization an activity, an organizational activity? What about offsite meetings between the local and several employees? Prohibiting the same activity during concerted activities makes matters even worse, as that concept is extremely broad under the National Labor Relations Act. Indeed, it can cover any time two employees are talking about a term or a condition of employment.

So the amendment would really cause all sorts of confusion and I suppose all sorts of litigation also.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Texas [Mr. DOGGETT] has 1½ minutes remaining.

Mr. GOODLING. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Chairman, I rise in opposition. An employer cannot use a team or committee to interfere with the employees ability to organize or engage in other concerted activities for mutual aid or protection. Interestingly enough, this is set forth right in section (a)(1) which makes it an unfair labor practice for employers to interfere with, to restrain, or coerce employees in the exercise of their rights guaranteed by section 7 of the National Labor Relations Act or to organize or bargain collectively through representatives of their own choosing. That remains untouched by this act.

In a recent case, it was found that an employer's promise, the day before a union election, to establish a communications committee to deal with employee grievances was a violation in fact of section 8(a)(1), because it was used as an inducement to persuade employees to vote against the union.

Again, I just urge Members not to start filling in all of these various types of laws in this bill. It is already taken care of.

Mr. DOGGETT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as I hear the arguments against the amendment, they seem to boil down to that it is already against the law to do what I want to accomplish through this amendment and, on the other hand, that the amendment is too broad to do what is already in the law. If it is already in the law and there is no intent to use the TEAM Act in order to thwart organizing drives, then why not put it in again and clarify it and assure those who have been concerned that that is the purpose of this act that in fact we are prohibiting it.

As far as whether the second argument, that the amendment is too broad, I have drawn it directly from section 7 of the act and have not included any new terms of art but have relied on those terms that are already in as codified 29 U.S.C. 157, where we already have a body of court law concerning what these terms mean.

As to the final point, which I wonder if offered almost frivolously, that perhaps the employer would not know when employees were engaged in an organizing drive, I guarantee my colleagues that any of the Texas employers that I know, they are going to know if there is an organizing drive going on in their plant.

This is a narrow amendment. It does not use the categories, nor is it subject to the kind of objections that were raised to the amendment which I thought was a good one, of my colleague, the gentleman from Ohio [Mr. SAWYER].

It is designed only to assure employees that they are not going to be teamed up on. If we do that, then I can certainly join this bill. I think the bill is basically a good concept. I want to support the bill. I want to see a bill that can be signed by the President into law and one that is equally fair to employer and employee.

Mr. GOODLING. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin [Mr. GUNDERSON].

The CHAIRMAN. The gentleman from Wisconsin [Mr. GUNDERSON] is recognized for 2½ minutes.

□ 1815

Mr. GUNDERSON. Mr. Chairman, I certainly do not question the intent of our colleague from Texas. The concern I have is that section 7 of the act, which he took it from, talks about interfering. The problem with the amendment is that it says, if this happens at the same time, whether there is interference or not, then there is an automatic violation, and that becomes a problem when we look at our paren 2 where the employer alters the work unit. The gentleman and I know that simply any kind of change of the work force or the change of the production line alters the word unit. Now my colleague would say he has got that during an organizational or other concerted activity for the purpose of collective bargaining, or mutual aid, or protection among the employees. So, if we are altering the work unit, changing the production line for the mutual

aid or protection of the employees making the place safer for the work force, if that were happening at the same time the TEAM were in effect, it would not have to be interference, but if it is happening at the same time, it becomes a problem.

I have to tell my colleague I think most people on this side of the aisle do not want TEAM to become an excuse and tactic to prevent organization, and if during this process, as we move through the Senate and conference, if we can talk this out, I think some of us want to work with the gentleman on that. Our concern is that the language the gentleman has seems to go beyond that, and we have some concerns, so that is why I would encourage my colleagues not to support the amendment at this time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DOGGETT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DOGGETT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Texas [Mr. DOGGETT] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from Virginia [Mr. MORAN]; the amendment offered by the gentleman from Texas [Mr. DOGGETT].

AMENDMENT OFFERED BY MR. MORAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. MORAN] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the order of the House of today, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the additional amendment on which the Chair has postponed further proceedings.

PARLIAMENTARY INQUIRY

Mr. DOGGETT. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DOGGETT. Mr. Chairman, is it necessary to ask for a recorded vote again?

The CHAIRMAN. At the appropriate time Members will be asked to stand for a recorded vote.

The vote was taken by electronic device, and there were—ayes 195, noes 228, not voting 11, as follows:

[Roll No. 689]

AYES—195

Abercrombie	Franks (NJ)	Neal
Ackerman	Frost	Oberstar
Andrews	Furse	Obey
Baesler	Gejdenson	Olver
Baldacci	Gephardt	Ortiz
Barcia	Gibbons	Orton
Barrett (WI)	Gilman	Owens
Becerra	Gonzalez	Pallone
Bellenson	Gordon	Pastor
Bentsen	Green	Payne (NJ)
Berman	Gutierrez	Pelosi
Bevill	Hall (OH)	Peterson (FL)
Bishop	Hamilton	Peterson (MN)
Bonior	Harman	Pomeroy
Borski	Hastings (FL)	Poshard
Boucher	Hayes	Rahall
Brewster	Hefner	Rangel
Browder	Hilliard	Reed
Brown (CA)	Hinchey	Richardson
Brown (FL)	Holden	Rivers
Brown (OH)	Horn	Roemer
Bryant (TX)	Hoyer	Rose
Bunn	Jackson-Lee	Roybal-Allard
Cardin	Jacobs	Rush
Chabot	Johnson (SD)	Sabo
Chapman	Johnson, E. B.	Sanders
Clay	Johnston	Sawyer
Clayton	Kanjorski	Schroeder
Clement	Kaptur	Scott
Clyburn	Kennedy (MA)	Serrano
Coleman	Kennedy (RI)	Skaggs
Collins (IL)	Kennelly	Slaughter
Collins (MI)	Kildee	Smith (NJ)
Condit	Kleczka	Smith (WA)
Conyers	Klink	Spratt
Costello	LaFalce	Stark
Coyne	Lantos	Stockman
Cramer	Levin	Stokes
Danner	Lewis (GA)	Studds
de la Garza	Lincoln	Stupak
DeFazio	Lofgren	Tanner
DeLauro	Lowey	Tejeda
Dellums	Luther	Thompson
Deutsch	Maloney	Thurman
Diaz-Balart	Manton	Torricelli
Dicks	Markey	Towns
Dingell	Mascara	Traficant
Dixon	Matsui	Velazquez
Doyle	McCarthy	Vento
Duncan	McDermott	Visclosky
Durbin	McHale	Ward
Edwards	McKinney	Waters
Engel	McNulty	Watt (NC)
Eshoo	Meehan	Waxman
Evans	Meek	Weldon (PA)
Farr	Metcalf	Whitfield
Fattah	Mfume	Williams
Fazio	Miller (CA)	Wilson
Fields (LA)	Mineta	Wise
Filner	Minge	Woolsey
Flake	Mink	Wyden
Flanagan	Mollohan	Wynn
Foglietta	Moran	Yates
Ford	Murtha	Young (AK)
Frank (MA)	Nadler	Zimmer

NOES—228

Allard	Bilbray	Callahan
Archer	Bilirakis	Calvert
Armey	Bliley	Camp
Bachus	Blute	Canady
Baker (CA)	Boehlert	Castle
Baker (LA)	Boehner	Chambliss
Ballenger	Bonilla	Chenoweth
Barr	Bono	Christensen
Barrett (NE)	Brownback	Chrysler
Bartlett	Bryant (TN)	Clinger
Barton	Bunning	Coble
Bass	Burr	Coburn
Bateman	Burton	Collins (GA)
Bereuter	Buyer	Combest
Cooley	Hutchinson	Pombo
Cox	Hyde	Porter
Crane	Inglis	Portman
Crapo	Istook	Pryce
Cremeans	Johnson (CT)	Quillen
Cubin	Johnson, Sam	Quinn
Cunningham	Jones	Radanovich
Davis	Kasich	Ramstad
Deal	Kelly	Regula
DeLay	Kim	Riggs
Dickey	King	Roberts
Doggett	Kingston	Rogers
Dooley	Klug	Rohrabacher
Doolittle	Knollenberg	Ros-Lehtinen
Dornan	Kolbe	Roth
Dreier	LaHood	Roukema
Dunn	Largent	Royce
Ehlers	Latham	Salmon
Ehrlich	LaTourette	Sanford
Emerson	Laughlin	Saxton
English	Lazio	Scarborough
Ensign	Leach	Schaefer
Everett	Lewis (CA)	Schiff
Ewing	Lewis (KY)	Seastrand
Fawell	Lightfoot	Sensenbrenner
Fields (TX)	Linder	Shadegg
Foley	Lipinski	Shaw
Forbes	Livingston	Shays
Fowler	LoBiondo	Shuster
Fox	Longley	Sisisky
Franks (CT)	Lucas	Skeen
Frelinghuysen	Manzullo	Skelton
Frisa	Martini	Smith (MI)
Funderburk	McCollum	Smith (TX)
Gallegly	McCrery	Souder
Ganske	McDade	Spence
Gekas	McHugh	Stearns
Geren	McInnis	Stenholm
Gilchrest	McIntosh	Stump
Gillmor	McKeon	Talent
Goodlatte	Menendez	Tate
Goodling	Meyers	Tauzin
Goss	Mica	Taylor (MS)
Graham	Miller (FL)	Taylor (NC)
Greenwood	Molinari	Thomas
Gunderson	Montgomery	Thornberry
Gutknecht	Moorhead	Thornton
Hall (TX)	Morella	Tiahrt
Hancock	Myers	Torkildsen
Hansen	Myrick	Torres
Hastert	Nethercutt	Upton
Hastings (WA)	Neumann	Vucanovich
Hayworth	Ney	Waldholtz
Hefley	Norwood	Walker
Heineman	Nussle	Walsh
Herger	Oxley	Wamp
Hilleary	Packard	Weldon (FL)
Hobson	Parker	Weller
Hoekstra	Paxon	White
Hostettler	Payne (VA)	Wicker
Houghton	Petri	Wolf
Hunter	Pickett	Zeliff

NOT VOTING—11

Hoke	Reynolds	Volkmer
Jefferson	Schumer	Watts (OK)
Martinez	Solomon	Young (FL)
Moakley	Tucker	

□ 1837

Mr. SKELTON changed his vote from "aye" to "no."

Mr. ORITZ and Ms. BROWN of Florida changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DOGGETT

The CHAIRMAN. The pending business is the request for a recorded vote on the amendment offered by the gentleman from Texas [Mr. DOGGETT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 234, not voting 13, as follows:

[Roll No. 690]

AYES—187

Abercrombie	Furse	Obey
Ackerman	Gejdenson	Olver
Andrews	Gephardt	Ortiz
Baesler	Gibbons	Orton
Baldacci	Gilman	Owens
Barcia	Gonzalez	Pallone
Barrett (WI)	Gordon	Pastor
Becerra	Green	Payne (NJ)
Beilenson	Gutierrez	Pelosi
Bentsen	Hall (OH)	Peterson (FL)
Berman	Hamilton	Peterson (MN)
Bevill	Harman	Pomeroy
Bishop	Hastings (FL)	Portman
Bonior	Hefner	Poshard
Borski	Hinchey	Rahall
Boucher	Hoke	Rangel
Browder	Holden	Reed
Brown (CA)	Hoyer	Regula
Brown (FL)	Jackson-Lee	Richardson
Brown (OH)	Jacobs	Riggs
Bryant (TX)	Johnson (SD)	Rivers
Cardin	Johnson, E.B.	Roemer
Chapman	Johnston	Rose
Clay	Kanjorski	Roybal-Allard
Clayton	Kaptur	Rush
Clement	Kennedy (MA)	Sabo
Clyburn	Kennedy (RI)	Sanders
Coleman	Kennelly	Sawyer
Collins (IL)	Kildee	Schroeder
Collins (MI)	Kleczka	Scott
Condit	Klink	Serrano
Conyers	LaFalce	Skaggs
Costello	Lantos	Slaughter
Coyne	Levin	Smith (NJ)
Cramer	Lewis (GA)	Spratt
Danner	Lincoln	Stark
de la Garza	Lofgren	Stokes
DeFazio	Lowey	Studds
DeLauro	Luther	Stupak
Dellums	Maloney	Tanner
Deutsch	Manton	Tejeda
Diaz-Balart	Markey	Thompson
Dicks	Mascara	Thornton
Dingell	Matsui	Thurman
Dixon	McCarthy	Torricelli
Doggett	McDermott	Towns
Doyle	McHale	Traficant
Durbin	McKinney	Velazquez
Edwards	McNulty	Vento
Engel	Meehan	Visclosky
Eshoo	Meek	Ward
Evans	Menendez	Waters
Farr	Mfume	Watt (NC)
Fattah	Miller (CA)	Waxman
Fazio	Mineta	Williams
Fields (LA)	Minge	Wilson
Filner	Mink	Wise
Flake	Mollohan	Woolsey
Foglietta	Moran	Wyden
Ford	Murtha	Wynn
Frank (MA)	Nadler	Yates
Franks (NJ)	Neal	
Frost	Oberstar	

NOES—234

Allard	Bliley	Camp
Archer	Blute	Canady
Armey	Boehlert	Castle
Bachus	Boehner	Chabot
Baker (CA)	Bonilla	Chambliss
Baker (LA)	Bono	Chenoweth
Ballenger	Brewster	Christensen
Barr	Brownback	Chrysler
Barrett (NE)	Bryant (TN)	Clinger
Bartlett	Bunn	Coble
Barton	Bunning	Coburn
Bass	Burr	Collins (GA)
Bateman	Burton	Combest
Bereuter	Buyer	Cooley
Bilbray	Callahan	Cox
Bilirakis	Calvert	Crane
Crapo	Hyde	Pryce
Cremeans	Inglis	Quillen
Cubin	Istook	Quinn
Cunningham	Johnson (CT)	Radanovich
Davis	Johnson, Sam	Ramstad
Deal	Jones	Roberts
DeLay	Kasich	Rogers
Dickey	Kelly	Rohrabacher
Dooley	Kim	Ros-Lehtinen
Doolittle	King	Roth
Dornan	Kingston	Roukema
Dreier	Klug	Royce
Duncan	Knollenberg	Salmon
Ehlers	Kolbe	Sanford
Ehrlich	LaHood	Saxton
Emerson	Largent	Scarborough
English	Latham	Schaefer
Ensign	LaTourette	Schiff
Everett	Laughlin	Seastrand
Ewing	Lazio	Sensenbrenner
Fawell	Leach	Shadegg
Fields (TX)	Lewis (CA)	Shaw
Flanagan	Lewis (KY)	Shays
Foley	Lightfoot	Shuster
Forbes	Linder	Sisisky
Fowler	Lipinski	Skeen
Fox	Livingston	Skelton
Franks (CT)	LoBiondo	Smith (MI)
Frelinghuysen	Longley	Smith (TX)
Frisa	Lucas	Smith (WA)
Funderburk	Manzullo	Souder
Gallegly	Martini	Spence
Ganske	McCollum	Stearns
Gekas	McCrery	Stenholm
Geren	McDade	Stockman
Gilchrest	McHugh	Stump
Gillmor	McInnis	Talent
Goodlatte	McIntosh	Tate
Goodling	McKeon	Tauzin
Goss	Meyers	Taylor (MS)
Graham	Mica	Taylor (NC)
Greenwood	Miller (FL)	Thomas
Gunderson	Molinari	Thornberry
Gutknecht	Montgomery	Tiahrt
Hall (TX)	Moorhead	Torkildsen
Hancock	Morella	Torres
Hansen	Myers	Upton
Hastert	Myrick	Vucanovich
Hastings (WA)	Nethercutt	Waldholtz
Hayes	Neumann	Walker
Hayworth	Ney	Walsh
Hefley	Norwood	Wamp
Heineman	Nussle	Weldon (FL)
Herger	Oxley	Weldon (PA)
Hilleary	Packard	Weller
Hobson	Parker	White
Hoekstra	Paxon	Whitfield
Horn	Payne (VA)	Wicker
Hostettler	Petri	Wolf
Houghton	Pickett	Young (AK)
Hunter	Pombo	Zeliff
Hutchinson	Porter	Zimmer

NOT VOTING—13

Dunn	Moakley	Volkmer
Hilliard	Reynolds	Watts (OK)
Jefferson	Schumer	Young (FL)
Martinez	Solomon	
Metcalf	Tucker	

□ 1845

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1845

The CHAIRMAN. The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. LIMITATION ON EFFECT OF ACT.

Nothing in this Act shall affect employee rights and responsibilities contained in provisions other than section 8(a)(2) of the National Labor Relations Act, as amended.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. KOLBE, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 743), to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes, pursuant to House Resolution 226, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. LAHOOD). Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KILDEE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 202, not voting 11, as follows:

[Roll No. 691]

AYES—221

Allard	Calvert	Dunn
Archer	Camp	Edwards
Armey	Canady	Ehlers
Bachus	Castle	Ehrlich
Baker (CA)	Chabot	Emerson
Baker (LA)	Chambliss	Ensign
Ballenger	Chenoweth	Everett
Barr	Christensen	Ewing
Barrett (NE)	Chrysler	Fawell
Bartlett	Clinger	Fields (TX)
Barton	Coble	Flanagan
Bass	Coburn	Foley
Bateman	Collins (GA)	Fowler
Bereuter	Combest	Franks (CT)
Bilbray	Cooley	Franks (NJ)
Bilirakis	Cox	Frelinghuysen
Bliley	Crane	Funderburk
Blute	Crapo	Gallegly
Boehner	Cremeans	Ganske
Bonilla	Cubin	Gekas
Bono	Cunningham	Geren
Brewster	Davis	Gilchrest
Brownback	Deal	Gillmor
Bryant (TN)	DeLay	Goodlatte
Bunn	Dickey	Goodling
Bunning	Dooley	Goss
Burr	Doolittle	Graham
Burton	Dornan	Greenwood
Buyer	Dreier	Gunderson
Callahan	Duncan	Gutknecht

Hall (TX)	Manzullo	Scarborough
Hancock	McCollum	Schiff
Hansen	McCrery	Seastrand
Hastert	McInnis	Sensenbrenner
Hastings (WA)	McIntosh	Shadegg
Hayes	McKeon	Shaw
Hayworth	Meyers	Shays
Hefley	Mica	Shuster
Heineman	Miller (FL)	Skeen
Herger	Molinari	Smith (MI)
Hilleary	Montgomery	Smith (TX)
Hobson	Moorhead	Smith (WA)
Hoekstra	Morella	Souder
Hoke	Myers	Spence
Horn	Myrick	Spratt
Hostettler	Nethercutt	Stearns
Houghton	Neumann	Stenholm
Hunter	Norwood	Stump
Hutchinson	Nussle	Talent
Hyde	Oxley	Tanner
Inglis	Packard	Tate
Istook	Parker	Tauzin
Johnson (CT)	Paxon	Taylor (MS)
Johnson, Sam	Payne (VA)	Taylor (NC)
Jones	Petri	Thomas
Kasich	Pombo	Thornberry
Kim	Porter	Tiahrt
Kingston	Portman	Torkildsen
Klug	Pryce	Traficant
Knollenberg	Quillen	Upton
Kolbe	Radanovich	Vucanovich
LaHood	Ramstad	Waldholtz
Largent	Regula	Walker
Latham	Riggs	Wamp
LaTourette	Roberts	Weldon (FL)
Laughlin	Rogers	Weldon (PA)
Leach	Rohrabacher	Weller
Lewis (KY)	Ros-Lehtinen	White
Lightfoot	Roth	Whitfield
Lincoln	Roukema	Wicker
Linder	Royce	Wolf
Livingston	Salmon	Zeliff
Longley	Sanford	Zimmer
Lucas	Saxton	

NOES—202

Abercrombie	Engel	Klink
Ackerman	English	LaFalce
Andrews	Eshoo	Lantos
Baesler	Evans	Lazio
Baldacci	Farr	Levin
Barcia	Fattah	Lewis (GA)
Barrett (WI)	Fazio	Lipinski
Becerra	Fields (LA)	LoBiondo
Beilenson	Filner	Lofgren
Bentsen	Flake	Lowey
Berman	Foglietta	Luther
Bevill	Forbes	Maloney
Bishop	Ford	Manton
Boehlert	Fox	Markey
Bonior	Frank (MA)	Martini
Borski	Frisa	Mascara
Boucher	Frost	Matsui
Browder	Furse	McCarthy
Brown (CA)	Gejdenson	McDade
Brown (FL)	Gephardt	McDermott
Brown (OH)	Gibbons	McHale
Bryant (TX)	Gilman	McHugh
Cardin	Gonzalez	McKinney
Chapman	Gordon	McNulty
Clay	Green	Meehan
Clayton	Gutierrez	Meek
Clement	Hall (OH)	Menendez
Clyburn	Hamilton	Metcalf
Coleman	Harman	Mfume
Collins (IL)	Hastings (FL)	Miller (CA)
Collins (MI)	Hefner	Mineta
Condit	Hilliard	Minge
Conyers	Hinchey	Mink
Costello	Holden	Mollohan
Coyne	Hoyer	Moran
Cramer	Jackson-Lee	Murtha
Danner	Jacobs	Nadler
de la Garza	Johnson (SD)	Neal
DeFazio	Johnson, E. B.	Ney
DeLauro	Johnston	Oberstar
Dellums	Kanjorski	Obey
Deutsch	Kaptur	Olver
Diaz-Balart	Kelly	Ortiz
Dicks	Kennedy (MA)	Orton
Dingell	Kennedy (RI)	Owens
Dixon	Kennelly	Pallone
Doggett	Kildee	Pastor
Doyle	King	Payne (NJ)
Durbin	Kleczka	Pelosi
Peterson (FL)	Schroeder	Towns
Peterson (MN)	Scott	Velazquez
Pickett	Serrano	Vento
Pomeroy	Sisisky	Visclosky
Poshard	Skaggs	Walsh
Quinn	Skelton	Ward
Rahall	Slaughter	Waters
Rangel	Smith (NJ)	Watt (NC)
Reed	Stark	Waxman
Richardson	Stockman	Williams
Rivers	Stokes	Wilson
Roemer	Studds	Wise
Rose	Stupak	Woolsey
Roybal-Allard	Tejeda	Wyden
Rush	Thompson	Wynn
Sabo	Thornton	Yates
Sanders	Thurman	Young (AK)
Sawyer	Torres	
Schaefer	Torricelli	

NOT VOTING—11

Jefferson	Reynolds	Volkmer
Lewis (CA)	Schumer	Watts (OK)
Martinez	Solomon	Young (FL)
Moakley	Tucker	

□ 1903

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained with the Governor of Oklahoma and the President on rollcall Nos. 689, 690, and 691.

On rollcall Nos. 686 and 687 I was unavoidably detained in the Atlanta airport.

Had I been present, I would have voted "yes" on Nos. 686, 687, and 691 and "no" on Nos. 689 and 690.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 743, TEAMWORK FOR EMPLOYEES AND MANAGERS ACT OF 1995

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 743, the Clerk be authorized to make technical corrections and conforming changes to the bill.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 743, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ELECTION OF MEMBERS TO COMMITTEE ON COMMERCE AND DESIGNATION OF RANKING MEMBER OF COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. FAZIO of California. Mr. Speaker, I offer a privileged resolution (H. Res. 229) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 229

Resolved, That the following named Members be, and they are hereby, elected to the following standing committee of the House of Representatives:

To the Committee on Commerce:

Cardiss Collins of Illinois, to rank above Ron Wyden of Oregon;

Bill Richardson of New Mexico, to rank above John Bryant of Texas.

Resolved, That the following named Member be, and is hereby, designated ranking minority Member of the following standing committee of the House of Representatives:

On the Committee on Transportation and Infrastructure:

James Oberstar of Minnesota, to rank above Norman Mineta of California.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1915 AND H.R. 2202.

Mr. KIM. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of both H.R. 1915 and H.R. 2202.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TOMORROW, THURSDAY, SEPTEMBER 28, 1995, DURING THE 5-MINUTE RULE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the house is meeting in the Committee of the Whole House under the 5-minute rule:

Committee on Agriculture; Committee on Banking and Financial Services; Committee on Economic and Educational Opportunities; Committee on Government Reform and Oversight; Committee on International Relations; Committee on the Judiciary; Committee on Resources; Committee on Science; Committee on Small Business; Committee on Transportation and Infrastructure; and Committee on Veterans' Affairs.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 108, CONTINUING APPROPRIATIONS FOR FISCAL YEAR 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–263) on the resolution (H. Res. 23) providing for the consideration of the joint resolution (H.J. Res. 108) making continuing appropriations for the fiscal year 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 1977, DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–264) on the resolution (H. Res. 231) waiving points of order against the conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 2126, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–265) on the resolution (H. Res. 232) waiving points of order against the conference report to accompany the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

INTERNATIONAL SPACE STATION AUTHORIZATION ACT OF 1995

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 228 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 228

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1601) to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the International Space Station. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I am very pleased to bring to the floor of the House today a straightforward open rule providing for the consideration of H.R. 1601, the International Space Station Authorization Act of 1995.

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Science, after which time the bill shall be considered for amendment under the 5-minute rule.

The rule makes in order the amendment in the nature of a substitute recommended by the Committee on Science, now printed in the bill, as an original bill for the purpose of amendment, and provides that each section shall be considered as read.

The rule also accords priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Any such amendments shall be considered as read.

Finally, the rule permits one motion to recommit the bill, with or without instructions, as is the right of the minority.

Mr. Speaker, the rule before us makes in order a very important piece of legislation which, by many accounts, could be called the Space Station Stability, Credibility, and Accountability Act.

H.R. 1601 restores a sense of stability to the Nation's space program by recommending a full-program, multiyear authorization of all funds needed to complete assembly of the space station by the year 2002. By reducing the need for yearly authorizations, H.R. 1601 signals Congress' strong commitment to completing the international space station on-time and just as importantly, on-budget.

H.R. 1601 also restores credibility to the space station program by declaring our Nation's intent to honor commitments to our international partners in this historic joint effort.

While the United States has clearly led the effort to design, construct, and operate the space station, this legislation recognizes that the continued support and participation of our international partners is essential to making space station *Alpha* a success.

Finally, the bill brings a welcome degree of accountability to the American people by requiring the Administrator of NASA to certify annually to Congress that the space station is on schedule and capable of staying within its budget.

The bill requires NASA to provide Congress each year with a full accounting of all costs associated with the space station, including payments which are made to Russia. In these budget-conscious times, Congress must ensure that the taxpayers are getting their money's worth.

Mr. Speaker, in 1993 the space station was significantly redesigned in order to reduce costs and simplify its management structure. H.R. 1601 continues that spirit of fiscal responsibility by capping the funds which may be appropriated in one fiscal year during the multiyear authorization.

However, spending on the space station would still be subject to the annual appropriations process—an important point to keep in mind as we further discuss budget priorities.

While Americans eagerly await the completion of this historic chapter in human spaceflight, Congress still has the obligation to review and debate the costs involved. H.R. 1601 offers the House a clear-cut, up-or-down vote on whether we will reaffirm our commitment to building the space station or if we will resign ourselves to lesser goals for the future of human space exploration.

Mr. Speaker, Chairman WALKER and the members of the Science Committee have put together a very responsible bill, and under the open rule, Members will have the opportunity to freely debate the many issues associated with the space station, not the least of which is its pricetag.

Although an amendment offered by our colleague from Indiana, Mr. ROEMER, to cancel the space station was

defeated in the Science Committee, such an amendment can be brought before the entire House under this completely open rule.

Mr. Speaker, let me emphasize that House Resolution 228 is a simple, straightforward open rule. It was approved unanimously by the Rules Committee last week, and I urge my colleagues on both sides of the aisle to give it their full support.

Mr. Speaker, I include material compiled by the Committee on Rules for the RECORD, as follows:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of September 27, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	50	74
Modified Closed[3]	49	47	15	22
Closed[4]	9	9	3	4
Totals:	104	100	68	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of September 27, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued—Continued

[As of September 27, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3–Judge Court	
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	
H. Res. ____ (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Ms. PRYCE. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend my fellow Ohioan, Ms. PRYCE, as well as my colleagues on the other side of the aisle for bringing this rule to the floor.

House Resolution 228 is an open rule which will allow full and fair debate on H.R. 1601, a bill to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the international space station.

As my colleague from Ohio has ably described, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Science.

Under the rule, germane amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members, on both sides of the aisle, will have the opportunity to offer amendments. I am pleased that the Rules Committee reported this rule by voice vote without opposition and urge its adoption.

The international space station will expand our knowledge of the universe and assist a wise range of scientific programs. By forming a partnership with other nations, we will help defray some costs and foster closer relations between our peoples.

The bill provides authorization levels through fiscal year 2002. This will give the project needed stability, while still allowing congressional oversight through the annual appropriations process.

Mr. Speaker, this open rule will permit full discussion of these issues and given Members an opportunity to amend the bill. I urge adoption of the rule.

□ 1915

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise today in strong support of H.R. 1601 and full program authorization for the international space station.

This past summer the attention of America was once again captured by the thrilling story of Apollo 13. The only thing more incredible than the story this movie told, was the fact that it is all true—that over 20 years ago, this Nation was united in the greatest technological leap the human race had ever undertaken.

All of America was rightly proud of our astronauts and the thousands of dedicated workers that sent them to the Moon and brought them home safely.

We now have a chance to revive that spirit, and display the vision of a better future and the leadership of mankind, that has always made America great. The international space station is that future.

And while the space station represents the dreams of our children, it is no idle fantasy. To date over 48,000 pounds of station hardware has been completed and production remains ahead of schedule. The first launch of this hardware is scheduled for November 1997, aboard a Russian Proton rocket.

The United States, and especially the people of Utah, have always been pioneers. And I think I've heard someone say, "space, is the final frontier." I, for one, believe that Americans should continue to lead the world into the new millennium. And while we will—and must—lead the way, we will not be alone. Many of our allies in the European Community, Canada, Japan, and Russia are making very significant contributions of people, hardware and financial support. This spirit of a new cooperation in space was never more clearly demonstrated than last June when the space shuttle Altantis docked with the Russian space station Mir and returned to Earth with two Russian cosmonauts and American astronaut Norm Thagard.

However, even with the critical support provided by our international partners, it will always require America's technological expertise, international leadership, and can-do attitude to make this vision a success. Let us now send a clear message to our partners in space that America will proudly accept the mantle of leadership.

I urge all of my colleagues to vote for the future of the human race, and to vote for continued American leadership. I urge you all to vote for rule and the international space station and support H.R. 1601.

Ms. PRYCE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. WELDON], a valuable new Member of the Congress.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I rise in support of this rule and in support of H.R. 1601, the 7-year authorization of the international space station.

We, here in Congress, are about the important work of the people's business, work like protecting and preserving Medicare for our senior citizens, balancing our budget and meaningful welfare reform that restores the value of hard work and family.

But although those issues are very, very important, I know that those are not the issues that allow our children to dream about the future, and it is things like our space program, and I can say that not only from talking to my daughter and children in my district when I talk to them about our space program, but also I know that from experience because I one day as a young man was able to watch programs like Mercury and Apollo and dream someday of being a part of that, myself.

This international space station program, I think, is the next logical step for our space program, and it is amazingly on budget and on time, which is truly a rarity for the institution that we work in.

Each year, the Congress has consistently voted in support of our space station, and each year the numbers have grown and grown and grown. This year, as the distinguished gentlewoman from Ohio alluded to, the number was again very, very high, almost 2-to-1 voting in support of our space station.

We now have before us a rule on a bill to authorize this so we no longer are getting in the process of redebating this over and over again. I think this is a good rule. It allows for amendments. It allows for open debate. I thoroughly support it.

I think the MIR docking mission that my colleague from Utah was speaking of earlier clearly shows that the United States has the ability to proceed with this program. The question before us is: Do we have the will? From the previous votes in this body, it has been demonstrated that clearly the will is there, and I applaud my colleagues on the Committee on Science who have brought this final bill to the floor for a vote. I applaud my colleagues on the Committee on Rules on this rule.

I encourage all of my colleagues to support the rule and support the final bill in passage.

Mr. SENSENBRENNER. Mr. Speaker, I would like to commend the Rules Committee for its decision allowing a 1-hour open rule to debate H.R. 1601, the multiyear authorization of the international space station. In giving preference to amendments preprinted in the CONGRESSIONAL RECORD, the committee has made our efforts family-friendly, which we can all appreciate. Finally, the Rules Committee's decisions give us the change for a fair and open discussion of the space station, its benefits, and the need for a multiyear authorization.

The international space station is about America's future. With an orbiting space station, the United States will have long term access to the unique environment of space, which will enable us to conduct cutting-edge research in the life and microgravity sciences that we cannot do on earth. The space shuttle has been an excellent platform from which to conduct research into medicines, materials, and physical processes, but our research capabilities are now bumping against the shuttle's most significant limitation as a research platform: time. The shuttle cannot stay in orbit for more than a few days and flight opportunities occur only a few times every year. So, we cannot conduct the kinds of long-term experiments necessary to push the state of our knowledge to the next level. By operating as a continually manned-platform, 24 hours a day, 365 days a year, the space station will solve that problem. With a functioning space station, we can look forward to breakthroughs in crystal formation, medical research, biological behavior, materials science, and a host of other disciplines that will improve our standard of living.

That's why members of The Seniors Coalition wrote me to express their support for the space station and the benefits it will bring to the study of aging. That's why the Multiple Sclerosis Association of America supports the space station and the potential research benefits it will bring to children afflicted by MS. That's why the American Medical Women's Association is in favor of the space station and all the opportunities it creates to improve women's health.

The space station program we are considering now is not the same one that NASA began in 1984. This space station is managed under a streamlined singled-prime contractor scheme that reduces bureaucracy and saves money. This space station is capped at $2.1 billion per year, less than 15 percent of NASA's annual budget. The station will cost $13.2 billion to complete in 2002, by which time it will have already begun producing the research results that will benefit every American. The space station program we are dealing with today is on budget and on schedule for orbital assembly to begin in 1997. American companies and our foreign partners have already built over 48,000 pounds of hardware. This space station program is a success.

H.R. 1601, the multiyear space station authorization, will provide the funding stability that ensure the space station remains on budget and on schedule. In past years, constant redesigns and rescopings denied the station that stability and caused delays and cost increases. This Congress must not allow that to happen again. We fulfill our role by providing NASA the resources it needs to do the job right, and then by demanding the accountability and responsible management that the space station program is currently demonstrating. We begin doing our part by passing H.R. 1601.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 228 and rule XXII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1601.

□ 1921

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1601) to authorize appropriations for the National Aeronautics and Space Administration to develop, assemble, and operate the international space station, with Mr. HOBSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes, and the gentleman from Texas [Mr. HALL] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the Subcommittee on Space and Aeronautics.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of H.R. 1601, the International Space Station Authorization Act of 1995. Many have risen to explain the benefits of the space station today in this Chamber and on numerous occasions in the past. I will not repeat those reasons here. Instead, I will explain why H.R. 1601 is an important part of enabling us to realize those benefits.

The gentleman from Pennsylvania and I cosponsored this bill because it places NASA and the space station on the path of fiscal responsibility. For years, NASA and the White House have been hard-pressed to settle on a space station design and budget that Congress could support. NASA has finally rectified that problem through a series of positive steps, that make the international step station an excellent foundation on which to build the future of our civilian space program.

First, NASA finalized the design into its current form, which includes participation from Europe, Japan, and Canada. The Russians are full partners in the international space station, giving us access to their advanced space hardware, their space industrial base, and their years of experience of living and working in space. With the Russians and Europeans as partners, NASA has designed a space station that will cost the American taxpayers less than its predecessors and have nearly double the capacity.

Second, NASA streamlined management of the space station program by placing the program under a single prime contractor. This reduced bureaucratic and contractor overhead and improved management, enabling NASA to build the station under a budget cap of $2.1 billion a year, about 15 percent of its annual debt.

Third, NASA has begun exploring means of commercializing and privatizing space station operations to lower operational costs. NASA has gone so far as to begin discussions with companies that design business parks to see which concepts they can apply to the station's future in space. H.R. 1601 encourages this process by making station commercialization a provision of law.

As a result of these actions, the station is on time and on budget. We have built over 48,000 pounds of hardware for delivery to orbit and will launch the first station element in 1997.

Taken in its entirety, H.R. 1601 authorizes $13.1 billion to complete and operate the space station through final assembly in fiscal year 2002. H.R. 1601 also includes an annual cap of $2.1 billion for the space station. The multiyear authorization gives NASA the financial and programmatic stability it needs to complete the station on time and on budget, while the annual cap forces NASA to maintain its fiscal discipline. H.R. 1601 and the space station are NASA's highest priority and fall well within our own plans to balance the Federal budget within the next 7 years.

The space station is about our future. It is about progress, and improving the technological seed corn of future economic growth. We need it. H.R. 1601 is about fiscal responsibility; about stepping up to our obligation as legislators to enable bureaucracies to do those things we ask them to do with greater efficiency and effectiveness. The American people have made it clear that they support our future in space. And we made it clear that we heard them when this Congress rejected 2 attempts to cancel the space station by huge margins of 173 and 153 votes. Now it is the time to provide the stability needed to achieve the efficiencies and savings that Americans demand from their Government by passing H.R. 1601.

Mr. HALL of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it comes as no surprise to anyone in this Chamber that I am prepared to speak on behalf of the space station program. I have supported this program in the past, in good times and bad, and I will continue to do so.

You will hear many speakers today describe the importance of the space station, and you may also hear from a few Members who believe that the money could better be used elsewhere. I obviously don't agree with that latter group of Members, but I respect their right to be wrong on this issue. And I assure them that they will receive time to speak.

Why do I continue to support the space station? There are many reasons that I could give. First, the station is a fundamental part of the Nation's space program and it is the logical next step in human spaceflight. I my years on the Space Subcommittee, I have become even more certain that the space station is a key element of a balanced program of space exploration, scientific research, and practical applications.

Second, the space station program helps the Nation maintain and strengthen its pool of skilled scientific and technological talent—which will be so critical to our economic competitiveness in the 21st century.

Third, the space station represents the most significant cooperative, cost-sharing undertaking in science and technology probably in the history of the world. The United States, Russia, Europe, Japan, and Canada are all working together and sharing the cost of this program. It is an approach that makes good sense, and one which will strengthen the bonds between these nations and certainly has a very good product.

Finally, and for me, most importantly, research conducted on the space station offers the promise of helping us to make significant advances in our understanding of terrestrial diseases and medical conditions that have afflicted our people—young and old—male and female.

Over the past 3 years, the Space Subcommittee has held a series of hearings on the potential benefits of biomedical research conducted in space. I chaired those hearings, and I am here to report that the results achieved to date from the limited research that can be done on the shuttle are truly impressive, but much more remains to be done.

All of the witness, or most of the witnesses, that have testified at those hearings are convinced that the opportunity to conduct long-duration research on a permanently-manned space station is indispensable if we are to continue to make advances. As the noted surgeon and researcher, Dr. Michael DeBakey put it,

The Space Station is not a luxury any more than a medical research center at Baylor College of Medicine is a luxury.

He knows that in the weightless environment of space, that just might spawn the answers to those who are wasting away in cancer wards, young girls and young boys who have to hit themselves with the vaccination for the dreaded disease of diabetes and on and on.

I could quote many other eminent researchers that echo his view, but I know that other Members are waiting to speak.

I would just like to conclude by saying even in these tough budgetary times, the space station is an investment that will pay back enormous benefits, enormous dividends.

I urge Members to support it.

Mr. Chairman, I reserve the balance of my time.

□ 1930

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. SCHIFF].

Mr. SCHIFF. Mr. Chairman, I thank the chairman of our committee for yielding time to me.

I want to say that every time we reach this point of the debate on the space station, I cannot help but think back 500 years and a little bit more, and I am very grateful that nobody was able to persuade Queen Isabella of Spain, please do not finance this exploration across the ocean to the unknown when we have unmet needs here in Spain.

I am sure that Spain at that time, just as all countries at this time, did have unmet needs. I am sure that money that financed Christopher Columbus' voyage could have been spent very usefully inside Spain at that time. But instead, the Spanish Government decided to invest in exploration. They did not know what they would get back for it. They did know if they would get anything back for it. I am sure they must have had serious doubts whether they would ever see those ships again. The result is that the United States of America exists today as a country in part as a direct result of that exploration more than 500 years ago.

Mr. Chairman, I feel the same way about the space station. There are many other reasonable and important needs which can readily be identified by any Member of this body as to where else we could put the money, and they would all be legitimate points, I am sure. Further, those of us who support the space station cannot tell Members today exactly what we will have as a result of it in the future. But we can say this. We can say first that exploration and scientific research has always produced advances for mankind, has always increased our knowledge.

Second, exploration and scientific research have always come back to help the economy and to help consumers. We already know that many of the everyday items we use were developed in research originally intended for the space program.

So for those reasons, Mr. Chairman, I support the passage of H.R. 1601.

Mr. HALL of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BROWN], longtime chairman of the Committee on Science and ranking member.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for this opportunity and I will try and be brief.

First of all, I admire the statements made by both the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Texas [Mr. HALL] in support of the space station. I have made many similar speeches over the years.

I have come to an unfortunate conclusion which was reflected in my vote on the appropriations bill, that we are heading down a path which endangers the future success of the space station; namely, a continued decrease in the NASA budget with a provision that protects the space station against any cuts and, therefore, these cuts must be taken out of other NASA programs such as aeronautical research or mission to planet Earth, other very important programs.

My fear has been, and I hope that I am wrong, that as we unravel these other programs, we will unravel the political support for the space station and for the whole of NASA. I have used this opportunity for a debate on the space station to reveal my concerns about what may happen in the future.

I hope that I am wrong. I firmly believe that we need a space station in the future of this country and in the future of our space program. While I do not want to be a Cassandra, I am deeply concerned. I have expressed my concern to everybody who would listen. We cannot continue to support and protect this particular part of our great adventure in space without wondering about being concerned about what is happening overall to the totality. And it is the totality of the interests which support the space program that will allow it to continue into the future.

Mr. Chairman, I will be brief in my remarks, because the debate on H.R. 1601 has little to do with the reality of what is happening to NASA this year. H.R. 1601 is a feel good—but fundamentally irrelevant—bill that gives Members the illusion that they are providing long term funding stability to the space station program. Of course, this legislation will do no such thing, but it is a comforting fiction to embrace in the current chaotic budgetary environment.

Like many issues that have come to the floor this year, there is little in the public record or in the hearing process to justify this legislation. If station is truly the only priority for the space program, what will be the implications if we decimate all other areas of NASA? Will a space station still make sense as a national policy? In addition, can the space station actually remain on track within the budget

climate that has been promised by the Republicans? For better or worse, H.R. 1601 has now reached the floor of the House, and I am sure that its supporters have diligently counted votes. In all likelihood it will pass by a comfortable margin. What then will be the impact of its passage?

I submit that very little will have changed. We need only look as far as the House and Senate VA-HUD and Independent Agencies appropriation bills for proof. In both cases, the Appropriations Committees had to fence $390 million in space station spending until almost the end of fiscal year 1996 because they needed to fix an outlay problem in the overall bills. That is not a particularly auspicious start to providing funding stability to the space station program. Indeed, it seems eerily reminiscent of the bad old days of budgetary smoke and mirrors. And it can only get worse as the ill-considered assumptions behind the Republican budgetary proposals require ever greater contortions in the years ahead.

Consider the assumptions behind the House Republican proposals for the NASA budget over the next 5 years. They assumed that Mission to Planet Earth could be restructured to save almost $3 billion. When the National Academy of Sciences reported on its recent review of the program, it could find no credible justification for such cuts and indeed recommended that no further cuts be made to the program.

Next, consider the House Republican budgetary assumptions regarding the space shuttle. They assumed that the shuttle budget could be reduced an additional $1.5 billion below the President's planned reductions by privatizing the shuttle. While it sounds good, the Space Subcommittee held a hearing today in which witnesses expressed concern over the potential safety impacts of funding cuts already made to the shuttle program, let alone the impact of additional massive reductions.

As you can tell, I think these budgetary proposals are wrongheaded and if sustained will do significant damage to our Nation's space program and to our R&D infrastructure. I will continue to speak out against them. Until we address the fundamental question of whether or not we are prepared to fund a vital and robust space program, bills such as H.R. 1601 will be no more than meaningless diversions.

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Just 2 months ago, in July, the House voted twice on amendments to terminate NASA's International Space Station Program. Both of these amendments were defeated by record margins, the first by a vote of 126 yeas to 299 nays and the second by 132 yeas to 287 nays.

So, Mr. Chairman, to most of my colleagues, the question of building the space station is behind us and America's future in space has been secured. We can all be proud of the votes that we cast in July and be assured that the international space station is on schedule and on budget; that is, until next year.

The reason why I bring H.R. 1601 before the House today is to give the international space station a full program, multiyear commitment to finish the job on time and on budget.

H.R. 1601 will set in law NASA's timetable and their budget for completing what we have started. H.R. 1601 sends a powerful signal to our international partners that Congress is up to the job of finishing this project on time. But it also sends a powerful signal here to ourselves about the way that we want NASA to do the people's business. How many times has this House debated whether to proceed with the station? How many times has Congress caused NASA to redesign the program by cutting the annual appropriation to pay for some other need some year? How many years have been lost by redesigning and rephasing the project? How much money has been wasted through trial and error as Congress has ordered one change after another? Too many times, too many years, too much waste, too many changes, Mr. Chairman.

How often in the past 5 years has this House devoted its precious time and conducted purposeful debates on the fate of the space station, only to conclude each time to continue building it?

Mr. Chairman, the House has consistently voted to support space station's development every time since it was proposed in 1984 under Republican and Democratic Presidents, through four significant redesign efforts and under equally distressing fiscal circumstances.

In November, the American people voted for change in the way Congress does business. Surely the American people want Congress to stop wasting money on programs and the subsidies that they can neither see nor understand. But I believe the succession of votes the House has taken over 10 years to build the space station demonstrates that consternation over building it lays only with some Members of the House and not with the American people.

This legislation to commit the Nation to finish what it has started is a new way of doing business. It represents a change in the way Congress does business because it says, here is our highest space priority and we are going to finish it. Passage of a full program authorization for the space station will be a breath of fresh air to those who have watched in amazement while successive Congresses have revisited, revised, and reinvented space station year after year.

America would have a space station orbiting the earth today had it not been for the on again off again commitment by previous Congresses to finish the project. H.R. 1601 says that the space station belongs to the American people. Congress has not canceled the program but has done something worse. Each year we have allowed the program to be bled to near death only to watch its schedule slip, its design change, and its future be jeopardized.

Mr. Chairman, the overwhelming vote in the House this year to continue funding of space station is owed to one essential fact: Since being redesigned in 1993, the space station program has produce on its commitment for the Congress. The space station program has produce 54,000 pounds of flight hardware in less than 2 years. Our international partners have built some 60,000 pounds for flight. This program now keeps its schedule and has stayed below its annual funding cap.

The reason for H.R. 1601 is to capture the success of the new design. We have had 2 years without a redesign, 2 years of stable funding and 2 years of remarkable progress. I believe that NASA Administrator Dan Goldin is to be commended for providing the leadership and for turning the project around. This is the new NASA at work, and I am very proud to recognize this turnaround with this bill.

How does H.R. 1601 work? First, it sets an annual cap of $2.1 billion for any 1 fiscal year of the program between the years 1996 and 2002. Second, it sets a total cost to complete and provide initial operational funds at $13.1 billion. The practical effect of those two numbers, Mr. Chairman, is that it forces NASA to ramp down spending on the project in fiscal years 1998 through completion in the year 2002. In other words, H.R. 1601 assures us that annual appropriations requested to finish the project diminish over time.

It is important to note that while H.R. 1601 provides a full program authorization, annual appropriations are still necessary. Under the bill, when the President submits the annual budget request for space station, NASA must certify to Congress that the program can be completed on time and on budget. It must also certify that no delays are foreseen at the time of the certification and that the program reserves cover all potential unbudgeted cost threats.

Our strategy is to continue to oversee the program's execution through the parameters set by H.R. 1601, which are based on NASA's own projections of cost. For a change, we take Congress out of the design loop and let NASA build what it promised us we could have. Having said that, I believe NASA is being put under the gun by H.R. 1601. These promises will be hard to live by, but they are exactly what we need to keep the program on schedule.

There are two reasons why schedule is important, Mr. Chairman. First, finishing the program on time saves money. Second, keeping on schedule means keeping our partners in Europe, Japan, Canada, and Russia on time and keeping their costs as partners under control.

Back in July, when this House defeated the naysayers and voted to continue building America's future in

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space, many of us recognized the impact that terminating space station would have on our international partnerships. Had the program been canceled, clearly there would have been no chance to attempt other far-reaching science projects too expensive for America to pay for by itself. We recognized the long-range impact such a failure would have on any cooperation in science.

Back in July, I spoke about the need to explore and to expand the human spirit. I talked about being bold and being free.

Mr. Chairman, now that we have said that the space station deserves its one-tenth of 1 percent of the Federal budget, can we also say that we have the vision to complete this project on time? I am tempted to say more, much more about the creation of knowledge about diseases and materials that can only be found in the vacuum of space or in the absence of gravity. I am tempted to point out to my colleagues that we have a vision of space development that merely begins with this NASA-sponsored outpost but which flourishes into an Earth-space economy based upon inventions and materials that we have not thought of here on Earth because our vision is too weighted down by the power of gravity.

But today is not about the survival of the space station. It is really a debate about how we choose to do business and how we choose to manage the public tax dollars. We are going to build the international space station. The real questions are how, when, and for how much. H.R. 1601 says, here it is, finish it by the year 2002, and do not ask for more money.

Mr. Chairman, to conclude, H.R. 1601 is an insurance policy on the votes we cast in July to continue this vital international space venture. It underwrites our investment this year by setting a schedule and a budget for completion.

We believe this legislation is good for NASA and good for the American people. The space station is theirs. They deserve it. Let us once and for all commit ourselves to finishing what we have struggled over the years to start. Before us is an opportunity to draw a big, bold circle around one of humankind's most astonishing new frontiers. So join me in closing the loop. Join me in voting for H.R. 1601, our commitment to finish the job on the space station.

Mr. Chairman, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Indiana [Mr. ROEMER], a very affable and very valuable member of the Committee on Science.

Mr. ROEMER. Mr. Chairman, I would like to salute the distinguished gentleman from Texas, who I have the utmost respect for and enjoy his sense of humor in our Committee on Science. He usually whups me out here on the floor on the space station battle, but I can only say that the fighting Irish of Notre Dame took it to them in the football game this past Saturday. That is where I have to go for my wins these days, not on the House floor, but I have a great deal of respect for Mr. HALL.

Mr. Chairman, this bill is not about whether we are for or against the space station. That is absolutely not what we are talking about in H.R. 1601. As the chairman of the committee said, we had that fight. I lost. We lost. But the last thing that one does when one is fighting in these kinds of times when we are trying to make tough decisions to balance the budget, when we are trying to cut back on some Government programs that have been around forever, which I support cutting back on a number of these programs, when some Members are talking about kicking children out of Head Start programs, cutting back on Medicare, is to give a free ride to the space station, to give $13.1 billion over the next 7 years to the space station. That is not an insurance policy, it is an insulation policy.

We are saying for 7 years we are going to give them $13 billion, and we are not going to have the kind of oversight, we are not going to have the kind of jurisdiction, we are not going to have the kind of tough hearings that every Government program should have, whether it is Head Start. We can do Head Start better.

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Mr. Chairman, I fully support Head Start programs, but we can do it better. We should have hearings on Head Start. But here we go on a $13.1 billion, 7-year authorization bill. Let us have this battle every year. Let us make sure that they are on budget if Congress decides to fund this program. Let us make sure they are not slipping behind 2, and 3, and 4 years. Let us make sure it is an international space station.

Mr. Chairman, the Italians dropped out of this program. Who else is going to drop out of this program in the next few years? The Russians are negotiating with the Americans in Houston. They want control over the propulsion and navigation systems. Does that make it possible that the Russians would have total control over the space station in the year 2002 or 2008, whenever it is finished, and the United States would not even be the first ones into the space station?

What about our role as representatives to oversee how tax dollars are spent in Washington, DC? Let us be accountable to the taxpayers of this country and not give a $13.1 billion, 7-year authorization to a space station that has moved from $8 billion in 1984 to $94 billion total cost projected by the year 2015 when maintenance and everything else is done on this space station.

Now I am not too worried, Mr. Chairman, because I do not think the Senate is going to take this up. I think this bill is going to die in the rotunda and not get any further over to the Senate floor, and I hope that is where it dies. But I certainly think that we have a responsibility when we are in this tough budgetary environment, when we are going to fight for a balanced budget by the year 2002, when we are going to make tough decisions to cut programs.

I can only say, Mr. Chairman, that this reminds me of when I used to play Monopoly when I was a kid and there was a card that they used to give us that we could just go around "Go," did not have to stop, did not have to take any risks, did not have to risk jail, or go across Boardwalk, or buy any homes, take any responsibility. One got a free ride, the free-ride card. That is what this is. This is the free-ride bill.

H.R. 1601 is not about whether my colleagues support the space station. It is about whether or not they want to do their job as a Representative of the taxpaying citizens of this country and make the space station accountable, just as the Hubble is accountable, just as Head Start is accountable, and just as every government program should be accountable.

Again I thank the distinguished gentleman from the State of Texas [Mr. HALL] for having yielded this time to me.

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume before yielding to the gentleman from California [Mr. ROHRABACHER].

Mr. Chairman, I just think it is important to correct a couple of points made by the gentleman from Indiana [Mr. ROEMER].

First of all, this is not a giveaway of any money. This is a cap; this is a spending cap. The very problems that the gentleman outlines are what this bill addresses by assuring that we are operating within spending caps in a year and we are operating with an overall spending cap. The $13.1 billion that he suggests is an overall spending cap in the bill. It is, in fact, a definition of fiscal responsibility, of what we are doing here.

Second, the gentleman mentioned in his remarks that the Italians have dropped out of the program. That has not happened. There are, in fact, some allocation questions that are now occurring in the European space community, but the Italians have distinctly not dropped out of the program at the present time.

In addition the gentleman is also wrong with regard to the prospects of this bill in the U.S. Senate. This is a bill which I have talked to the chairman of the authorizing subcommittee in the Senate, and he is very interested

in proceeding with this bill. So we do have an opportunity with this bill to attain the kind of fiscal responsibility that I think all programs should have, and the fact is, as the gentleman mentions some educational programs, a number of those programs in the educational area are forward-funded. They do have multiyear approaches, and we in fact did go back and review them on a regular basis, and every year we still have appropriations bills coming here so that we can review these issues. Every year this committee is going to hold hearings on the overall NASA programs, and we are going to look at how the space station program is proceeding. All this does is assures that we are doing it within the constraints that NASA itself says are appropriate for doing this station, and I just beg to differ with the gentleman with regard to what we are doing here.

Mr. Chairman, we are doing the fiscally responsible thing for once. We very seldom have done that in a lot of these science programs.

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I would just respectfully disagree with a number of things the gentleman from Pennsylvania [Mr. WALKER] has said.

First of all, it is called an international space station when in fact we send about $400 million to the Russians to get their participation in the space station.

Mr. WALKER. Mr. Chairman, we are buying goods from them. The gentleman understands that what we are doing is we are buying products and services from the Russians as a part of the overall effort. It is not a giveaway to them. We actually get hardware and services in return for the money that we are paying.

Mr. ROEMER. If that is the gentleman's idea of a partnership in international space, I wish somebody was doing that with me with my investments in mutual funds, or whatever I decided to, that they would put up the money, and take the risk, and just give me the money to do it.

An international space station; I think the connotations are that people put up their money, and it is not the U.S. taxpayer sending money off to the Russians.

Mr. WALKER. But in fact, I would say to the gentleman, is that several of our allies have devoted several billion dollars of spending of their own in this partnership. The Europeans and the Japanese have both put up hundreds of millions of dollars, into the billions of dollars railroad already in the program, and will put up substantially more in the future.

So again I think the gentleman misrepresents the situation. I do have to yield to the gentleman from California.

Mr. ROEMER. Could I just make one point?

Mr. WALKER. Yes; I yield to the gentleman briefly.

Mr. ROEMER. As the distinguished gentleman from Pennsylvania [Mr. WALKER] knows, in our rules of the House it does state that we will in the Committee on Science have a continuing review of the different programs under our jurisdiction, and I just want the gentleman to give us assurances that we will continue to have oversight hearings of the space station, both pro and critical hearings.

Mr. WALKER. Absolutely. This in no way will interfere with our ability or willingness to do that. Our committee is going to continue to maintain a very firm jurisdictional interest in what goes on in space station, but we are also going to make certain that the program is stabilized in a way that assures that it remains on budget and on time.

Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of this legislation and the priority and direction it gives to the space station program. I would like to praise the chairman of the Science Committee, Mr. WALKER, my subcommittee chairman, Mr. SENSENBRENNER, and the former chairman, Mr. HALL of Texas, for their hard work in bringing this bill to the floor.

This multiyear authorization of the international space station is a bold and timely move which will send an unmistakable message to the other body, to the President, to our international partners, to many entrepreneurs and scientists who will use the space station, and to the American people.

Why are we authorizing the space station through to completion this year? Not just because the space station has been restructured and is now on a steady course within budgetary limits. Not just because the space station will be an invaluable research laboratory in the unique environment of space. Not just because with the decline of the defense budget, it is vital to engage American and Russian aerospace industries in a positive joint effort.

Mr. Chairman, to me this multiyear authorization of space station is possible and desirable because of two significant developments championed by the Science Committee. First NASA has finally begun a reusable launch vehicle technology program which will lead to radically cheaper access to space, enabling much greater and easier use of the space station. Second, this legislation directs NASA to begin planning for the commercialization of the U.S. portions of the space station, including its operation, servicing, growth, and utilization.

Together, these two steps make possible the real reason I feel we are building the space station: to begin the expansion of American civilization, powered by free enterprise, into the space frontier. And that is why we are passing this multiyear authorization of space station separately from the rest of the NASA budget. By passing this bill we are sending a message that this is our priority: opening space to human enterprise, and propelling all of mankind into a new era of technology, freedom, and prosperity.

Mr. HALL of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. CRAMER], who represents the Marshall Space Center in Huntsville.

Mr. CRAMER. Mr. Chairman, I rise in strong support of the International Space Station Authorization Act, and I want to congratulate the chairman of the full committee. I also want to congratulate the ranking member of the Subcommittee on Space and Aeronautics. As these two fine gentlemen know, every year we dot every "i" and cross every "t" with regard to NASA. Unfortunately, my colleague, the gentleman from Indiana [Mr. ROEMER], who has already left the Chamber, cannot see that. He participates in that, but he just cannot let go of that.

There have been nine votes in the House to terminate the space station since I came to Congress in 1991, and the space station has survived every vote. Now along the way we have, in fact, held NASA's feet to the fire. The space station was redesigned in 1993. The goals of NASA have been refocused and reformed, and I think this process has allowed us to refocus that and to accomplish many things, but enough already. I think this bill is the right thing to do, and this is the right time to do it.

The Congress has spoken definitively in its support for space station. I think the margin of votes recently is a reflection of that. Now is the time to put this debate to rest, and I think this multiyear bill will accomplish that goal.

My colleague from Indiana as well has made it sound as if, once this piece of legislation is passed, that that will be the end of the monitoring period. Of course it will not. As the chairman has pointed out, we will still have our annual appropriations process that we must go through so we have an opportunity to adjust when and if we need to do that.

I think, as well as I must add, that for the benefit of the fine NASA employees that are out there that have given their good careers to work in this program that this is a bill that makes sense. Let us do it. Let us get on with it. I thank the chairman for giving us that opportunity.

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Mr. HALL of Texas. Mr. Chairman, as they are doing out in the western part

of this country, they are saving their best lawyer for the closing arguments in Los Angeles tonight. We have probably one of our very best to make the last argument for the space center.

Mr. Chairman, I yield 5 minutes to the gentlewoman from Houston, TX, the Honorable SHEILA JACKSON-LEE, who represents Johnson Space Center very ably.

Ms. JACKSON-LEE. Mr. Chairman, I thank the ranking member for yielding time to me, and I would like to pay tribute to him for his longstanding effort on this, and for the work he has done in support of the space station and also in support of NASA. I thank the gentleman from Pennsylvania [Mr. WALKER] for his commitment and willingness in many instances to compromise on some very important issues.

Might I say for just a moment, Mr. Chairman, I would like to give appreciation to the many employees at our respective centers around the Nation, for they have downsized and cutsized and modernized and attempted to make this thing called NASA and the space station work effectively and efficiently.

For as long as man has walked this Earth, he has explored his surroundings and expanded his frontiers. History has demonstrated that as an inherent part of our genetic makeup as humans we pursue knowledge and understanding of ourselves and the universe in which we live. It is unassailable that these very tendencies are responsible for everything we take for granted today.

Clearly, I believe H.R. 1601 should be supported, because I happen to think that the space station is the work of the 21st century. Along with the research in medical technology and biomedical technology and the new technologies that will be forged through this research, I can see into the future the opportunities for children in inner city communities to grow up and be trained and to work in those researches that may be garnered through the space station. We must create a new work for America, and that work has to be technological work.

I would say that H.R. 1601 is not a waste of money, but in fact contributes to the future of this Nation. These are terrible times, with cuts in Medicare and Medicaid. Unfortunately, in these days of budget reductions and seemingly intractable social problems, there are those who protest these very activities. I want to see a fix to Medicare and Medicaid, but I would want us not to turn inward, abandoning discovery, in a scornful rebuke of our very nature.

From this country's inception, and specifically after World War II, the United States has played a leadership role in science and technology. Indeed, it has been one of the hallmarks of our Nation. In our budget-cutting and political feuding, it is important that we not forget nor forsake this amazing heritage and the prosperity and advancement it has brought.

Space Station Alpha is such an opportunity. In conjunction with our international partners we have forged a chance to begin our journey to the next frontier. Should we let them dominate us? Of course not. I hope the Committee on Science will be in the forthright position to oversee those relationships, and assure that this country remains in the forefront, in a leadership role on the space station.

Alpha will allow parallel possibilities in long-term biological materials and environmental research. In pursuit of this noble goal, we have before us today a bill which will allow the timely and successful completion of this project. I would have hoped that we would have intertwined it with massive spending. I do hope that NASA and space station are strong, and the gentleman and I had offered an amendment in committee to assure that.

I will not do so this time, but I will admonish all of us as members of the committee and of the House to ensure that all the sciences will be safe, and that space station continues to grow and will be strong, along with NASA and its other sciences. We hope H.R. 1601 will provide NASA with a 7-year stable funding base which, in terms of time, will limit the costly delays and weakened confidence of our international partners.

I am gratified to say, as my colleague, the gentleman from Texas, has indicated, with his leadership, the innovative efforts with biological research that are being forthrightly discussed by leaders of the Texas Medical Center represent an exciting opportunity for space station.

This bill, H.R. 1601, allows that to happen if this measure is passed, but it also ensures that the station and the program will remain on time and on budget, with annual certifications by NASA, that additional funds will not be required, that the program funding reserves are adequate, and that no production and construction delays are anticipated.

I would say to the gentleman from Pennsylvania [Mr. WALKER], I am gratified by the fact that he has made it very clear that the Committee on Science will continue its oversight and that we will hold NASA to be accountable. It is important that we safeguard this country's investment of time, money and effort in this great effort.

Let me raise, however, two serious points. I would raise the serious concern regarding the implementation of safety oversight. I would argue vigorously that NASA should be a real partner in space station privatization. Further, I reemphasize the importance that Congress should continue its oversight in making sure that the space station, despite its multiyear funding, is efficient, that it maintains its safety record, and that we have real involvement as it proceeds to become the work of the 21st century.

So I do, in spite of these concerns, ask my colleagues to support H.R. 1601. I believe it is in the best interests of our Nation, our future, and our children, and it assures our continued international leadership and world leadership in technology and, as well, biomedical research.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, why is it so important that we come together and pass this bill today? Since 1969 the United States has focused its space program on the construction of a space station to serve as a laboratory for scientific experiments and extended habitation of humans in space. To this end, Americans will have spent billions of dollars, and in the process developed the space shuttle, a reusable launch transport system to service it.

The knowledge we have gained in this process has been invaluable. Technology developed for the space shuttle is helping make airline flights safer and more efficient. Medical advances and equipment and the study of diseases is helping to save lives here on Earth. We can expect more progress in these areas from the international Space Station Alpha, as well as advances across a spectrum of emerging technologies.

The money we spend on space station finds practical applications for daily life on Earth, and it is money well spent. Unlike other Government programs, every dollar spent on space programs returns at least $2 in direct and indirect benefits.

Why is it important for us to pass a multiyear authorization? In order to achieve the best, most cost-effective space station to meet the operating goal of 1998, the program requires stability. Yearly budget balances just serve to distract NASA from its mission. Space Station Alpha is already under construction at Marshall Space Flight Center and other centers around the country. In order to meet the scheduled launch of the first module in December 1997, NASA is committed to delivering the space station on time and on budget. H.R. 1601 ensures this by requiring the administrator to certify these conditions are met.

In addition, this bill sets up an annual authorizing cap through 2002, thus steering clear of cost overruns that have plagued the program in the past. We are taking responsibility by providing the proper level of oversight to avoid budgetary problems down the line. Our support is vital for the success of this program. The space shuttle

will at last fulfill its envisioned mission as a primary vehicle for space station assembly, and a link between Earth and Alpha. We can only imagine the scientific advances developed on Alpha that will be an integral part of human life in the next century.

Mr. GANSKE. Mr. Chairman, I rise today in opposition to H.R. 1601, the International Space Station Authorization Act of 1995.

The American people are tired of Washington wasting their money on frivolous projects. Projects that begin with good intentions. Projects that grow in size and price and begin to take on a life of their own because no one has the courage to stop them.

Proponents of this bill state that we must authorize the space station for the next 7 years to demonstrate a commitment to our international partners. Meanwhile, we leave ourselves no way out should any of our partners decide to end or decrease their participation. And if they do drop out, we will be forced to increase our spending to pick up the slack, or publicly admit that we have spent billions on a failed program.

Full program authorization is premature and ill-advised. Boeing has still not signed contracts with major subcontractors. International agreements have not been reached.

Space station supporters recognize that the program may not have the financial reserves to cover overruns. They acknowledge that our international partners are facing budget constraints and may not be able to fully participate. What they refuse to admit is that we do not need to spend $94 billion to construct and maintain the space station until 2012 in order to demonstrate a cooperative international effort in space.

I have too many questions and far too many doubts about the space station to support a 1-year, let alone a 7-year, $13 billion authorization. We cannot afford the space station and we cannot afford to make the space station NASA's top priority at the expense of other worthwhile programs.

Mr. DELAY. Mr. Chairman, I rise in strong support of this bill which authorizes the international space station through completion in 2002. This House, during consideration of the VA/HUD appropriations bill, and the Senate, just yesterday, made very clear America's commitment to our international space station program.

Efforts to kill this very important program have been soundly defeated because the American people understand the significance of our manned space program to our nation's future. They share the excitement of the exploration of space because it touches the core of our American identity as pioneering adventurers.

And the success of the space station bears directly on how our future here on Earth, in the United States, in our schools, and hospitals, offices and factories will be shaped.

The opponents of the space station program have fought their hardest and they have lost. It's time for them to accept the will of the country.

This doesn't mean they shouldn't be watchdogs of the program—this bill requires certification that the program be on schedule and on budget each year in order for the authorization to remain in effect. But let me be clear, the debate over the existence of the program should end.

Mr. Chairman, just a few months ago, many around the world shared the excitement of the successful Shuttle-Mir docking. It was a nail-biting effort that required precision within thousandths-of-an-inch.

There can be no doubt that this was a significant achievement, but I wish it wasn't. At one point, watching the shuttle take off became commonplace. At one point, even the act of landing on the Moon became just another landing.

I'm looking forward to the day when the shuttle docking with the space station miles above the Earth no longer attracts attention because it's routine. This bill is an important step toward that day.

I urge my colleagues to support this bill—it gives stability to the station program, certainty to our international partners and it represents America's long-term commitment to our manned space program and the international space station.

Mrs. SCHROEDER. Mr. Chairman. This Congress has made budget cutting a priority. We have cut housing programs by $4.9 billion, directly effecting the poor and elderly. We have cut the EPA by $2.3 billion, threatening our water, air, and food safety. We have cut student loan programs by $918 million. We have eliminated summer youth programs to save $871 million. These budget cuts will affect every American, and come out of every pocket. Well, almost every pocket. The Science Committee has recommended that NASA should receive $2.1 billion next year to build a space station. NASA's space station budget went untouched in this appropriations cycle, and received the same amount it got last year. However, all of NASA's nonspace station programs were cut by 6 percent. We will gouge our seniors, our children, and our environment, but not the space station.

This authorization bill would give NASA $13.1 billion over the next 7 years, to conduct experiments in a permanent space station. The Republican budget requires us to cut $10.1 billion from student loans over the same period.

Budgeting priorities aside, this program is a bad idea. In 1984, the space station was originally budgeted at $8 billion over the 40-year life of the project. We've already spent $11 billion. According to a recent GAO estimate, the figure for completion has risen to $93 billion. Perhaps we should spend our money improving this planet before we start wasting money on outer space.

Mr. HALL of Texas. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WALKER. Mr. Chairman, I thank the Members for the debate, and I yield back the balance of my time.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. SALMON) having assumed the chair, Mr. HOBSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 1601) to authorize appropriations to the National Aeronautics and Space Administration to develop, assemble, and operate the International Space Station, had come to no resolution thereon.

POLITICAL SUPPRESSION HEARINGS

(Mr. SKAGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. SKAGGS. Mr. Speaker, political suppression hearings in the Committee on Government Reform and Oversight begin tomorrow and its first victim, if Members can believe it, is the YMCA.

In today's New York Times, the gentleman from Indiana [Mr. MCINTOSH], the subcommittee chairman, makes it clear these hearings will be used to investigate groups who have opposed the Republican agenda.

First, the majority attached the Istook political suppression amendment to the Labor-HHS appropriations bill. Next they poisoned the conference on the Treasury Postal bill by insisting on it there. Now the cancer has spread to the Committee on Government Reform and Oversight.

The Istook amendment restricting so-called political advocacy might have been written as satire by George Orwell, or, in all seriousness, by Joe McCarthy. It is an intrusive regulatory scheme designed to gag groups who wish to participate in the political life of America.

If you have any doubt, Mr. Speaker, just look at this demand for the production of documents issued by the subcommittee chairman to witnesses at the hearing, requiring them to produce exhaustive reports on their participation for 5 years in public affairs. All freedom-loving Americans should oppose this attack on the core principal of our democracy.

Mr. Speaker, I include the document for the RECORD.

HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT,

Washington, DC.

Memo to: Executive Director.
From: Chairman David McIntosh.
Date: September 20, 1995.
Re: Oversight Questions Concerning Political Activity of Federal Grantees.

The Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs will conduct a series of oversight hearings regarding Federal grantees' use of Federal funds for political activity. Thank you for agreeing to testify at the first such hearing.

Pursuant your conversation yesterday with Mildred Webber, Staff Director for the Subcommittee, attached are several questions and requests for documents that are relevant to our oversight investigation. In addition, Subcommittee counsel may contact you prior to the hearing to set up a

meeting to ask any follow up questions we may have concerning your responses.

Please respond to each of the attached questions in writing by 5:00 p.m. Monday, September 25. Deliver your responses to Room B377 Rayburn H.O.B. If you have any questions regarding the scope or meaning of any of the questions, please contact Jon Praed, counsel to the Subcommittee, at 202–225–4407.

Thank you for your cooperation. I look forward to your testimony next week.

REQUESTS FOR DOCUMENTS

1. Please produce complete copies of your organization's publicity available Form 990 tax forms for the past two years.

2. Please produce a copy of the founding documents and/or charter for your organization that sets forward its founding or guiding principles.

3. Please produce a copy of your organization's annual report for the past two years.

4. Please produce all independent audits conducted of your organization in the past two years.

GENERAL BACKGROUND QUESTIONS

1. What is the tax status of your organization under Internal Revenue Code (IRC) section 501(c)?

2. If your organization is a section 501(c)(3) tax exempt organization, has it made the 501(h) election for purposes of political advocacy? If not, why not?

3. Identify each organization affiliated with your organization (by stating the affiliate's name, tax-status, tax identification number, place of incorporation, principal business address, telephone and facsimile number). For each affiliate that is a section 501(c)(3) tax-exempt organization, state whether it has made the 501(h) election for purposes of political advocacy. If not, explain why not.

4. Identify all transfers of monetary or non-monetary assets from your organization to any affiliated organizations, and from any affiliated organizations to your organization for the past 12 months.

5. How much federal taxes would your organization have owed last year had your organization not been tax-exempt? In the past 5 years? During the existence of your organization?

6. In addition to the tax windfall enjoyed by your organization, identify all other benefits your organization gains from its tax-exempt status, including mail postage rate discounts (by describing the benefits and estimating the annual value of this benefit).

7. What is your understanding of the justification for your organization's tax-exempt status?

8. Does your organization believe that the current IRC limitations on the amount of non-Federal funds that can be spent by tax-exempt organizations on political advocacy, lobbying, and electioneering violate the First Amendment, or are otherwise unconstitutional? If so, please identity the limitations that are unconstitutional and explain the basis for your organization's belief. Is it your organization's belief that any of the limitations contained in the attached legislation violate the First Amendment or are otherwise unconstitutional? If so, please identify the limitations, explain the basis for your organization's belief, and distinguish this belief from its belief on the constitutionality of the current IRC limitations.

9. Does your organization engage in any non-tax-exempt business activities? If so, please describe those activities, and estimate the amount of revenue earned from those activities?

10. In the past five years, has your organization endorsed any products, goods or services? If so, identify the endorsements, and state the amount of any compensation your organization received for these endorsements.

11. How would your organization spend an extra $1,000 this year? $100,000? $1,000,000?

12. For each of the past five years: state your organization's expenditures on salaries (including wages, bonuses, expense accounts and all other forms of compensation); itemize the salaries (including wages, bonuses, expense accounts and all other forms of compensation) paid to your top five officers and directors for the past five years.

13. What percentage of your organization's annual revenues are spent on fund raising?

14. If your organization is a coalition or association of organizations, please identify the member organizations by stating their full names, tax status, principal business address, telephone and facsimile numbers, and chief executive officer, and please state the amount of annual dues or membership fees paid to your organization by each member organization.

POLITICAL ADVOCACY INFORMATION

1. In the past five years, has your organization engaged in political advocacy as defined in the attached legislation? If so, please provide a brief description of the type of political advocacy engaged in, and a good faith estimate of the expenditures on each activity. Please answer for each affiliated organization.

2. Does your organization devote more than an insubstantial part of its activities to attempting to influence legislation by propaganda or otherwise, as that term is used in the Internal Revenue Code? What safeguards has your organization created, if any, to ensure that this limitation is not exceeded?

3. What percentage of your non-federal budget do you spend on political advocacy (as defined in the attached legislation), and what is the total amount?

4. Does your organization directly or indirectly participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office? If so, please describe your organization's activities.

5. Does your organization disclose its political advocacy activities to its donors and potential donors? If so, please produce copies of all documents containing such disclosures. If not, please explain why not. Also, please produce copies of all promotional and fundraising materials distributed to potential donors.

GRANT INFORMATION

1. Has your organization received any federal grant funds since 1990? If so, please itemize for each grant received: the grant identification number; the amount or value of the grant (including all administrative and overhead costs awarded); a brief description of the purpose or purposes for which the grant was awarded; the identity of each Federal, State, local and tribal government entity awarding or administering the grant, and program thereunder; the name and tax identification number of each individual, entity or organization to whom your organization made a grant. Please answer this question with respect to each affiliate organization.

2. Does your organization receive donations, membership fees or dues from any other organizations that receive federal grant funds? If so, please identify the organizations and the amount(s) each of them have transferred to your organizations for the past two years. Were these organizations' contributions made possible by their receipt of federal grant funds? If not, how do you know? If so, justify your organization's decision to accept these contributions.

3. How does your organization separate federal grant funds from its non-federal funding? Is this record-keeping available to the public for inspection? Will you please make it available to the subcommittee for our review?

QUESTIONS REGARDING ABILITY TO COMPLY WITH THE PROPOSED LEGISLATION

1. Does your organization maintain accounting books and records relating to its activities? Are these books and records based on Generally Accepted Accounting Principles (GAAP)? If not, why are they not based on GAAP?

2. Does your organization allocate, disburse, or contribute any monetary or in-kind support to any individual, entity, or organization whose expenditures for political advocacy in any of the past five years exceeded 15 percent of its total expenditures for that year? 25%? 50%? 75%? 95%? For each of these thresholds, please identify each individual, entity or organization receiving the support, and the amount of support provided. If you are unable to answer this question for any of these thresholds, please explain why you are unable to answer.

3. Does your organization make available the results of nonpartisan analysis, study, research, or debate? If so, please identify the types of work made available by your organization in the past year.

4. Does your organization provide technical advice or assistance to a governmental body or to a committee or other subdivision thereof in response to a written request by such body or subdivision? If so, please identify the type of technical advice or assistance provided and the governmental body receiving it.

DROP SUNSET PROVISION FOR LOW INCOME HOUSING TAX CREDIT

(Mr. ORTON asked and was given permission to address the House for 1 minute and to include extraneous material.)

Mr. ORTON. Mr. Speaker, I rise today to express my strong opposition to the Ways and Means Committee proposal to sunset the low-income housing tax credit, which is to be included in the House reconciliation bill.

As evidence of how unwise this proposal is, I would like to enter into the RECORD a letter I received from the Governor of my home State, Mike Leavitt. This letter urges the deletion of the committee's sunset of the low-income housing tax credit. It also points out that this private sector tax incentive accounts for virtually all of new construction of Utah's apartment units which are affordable to hard working, low income renters.

Mr. Speaker I urge my colleagues on the other side to listen to Governor Leavitt, who incidentally is the chair of the Republican Governors Association. Let's drop this misguided proposal from the reconciliation bill.

Mr. Speaker, I submit the following for the RECORD.

STATE OF UTAH,
WASHINGTON OFFICE OF THE GOVERNOR,
Washington, DC., September 19, 1995.

Hon. BILL ORTON,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ORTON: House Ways and Means Committee Chairman Bill Archer has released his proposed Budget Reconciliation to members of his Committee. It calls for the sunset of the Low Income Housing Tax Credit [LIHTC] after December 31, 1997.

As you know, the LIHTC is the only incentive remaining today in Utah, as well as the nation, for the production of affordable rental housing. According to the Utah Housing Finance Agency which administers the tax credit program for our state, the 6,000 units financed in Utah by LIHTC accounts for virtually all this state's apartment construction that have rents which are affordable to hard-working, yet lower income renters. This represents fully half of all the new apartments that have been constructed in Utah since 1987. It also finances rehabilitation of large numbers of old apartments into decent and affordable places for low income families to live.

The LIHTC is not a direct spending program of the federal government like so many other housing programs, but rather offers tax incentives to the private sector to invest capital into these difficult to finance housing efforts. Although corporations are the principal investors in the tax credits which finance these low income apartments, the LIHTC is not in any way a form of "corporate welfare". The LIHTC builds partnerships between public and private sectors to very efficiently draw capital into solving this nation's housing dilemma.

Additionally, the LIHTC has played an important role in sustaining the apartment construction industry in Utah for nearly a decade. It is playing a prominent part in the resurgence of a healthy Utah real estate industry. Vastly more important, the LIHTC has produced more than 6,000 rental homes, housing in excess of 25,000 lower income parents and children, in nearly every community in our state. Those decent and affordable places to live simply would not exist without the LIHTC.

Please contact Chairman Archer and ask him to delete the LIHTC sunset proposal from his Budget Reconciliation Bill.

Thank you for your attention to this important matter.

Sincerely,

MICHAEL O. LEAVITT,
Governor.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE BLACK CAUCUS AGENDA TO FIGHT THE DEATH OF ENTITLEMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, last weekend, from September 20 to 23, the Congressional Black Caucus held its annual legislative weekend conference. More than 20,000 people participated in the various activities of the Congressional Black Caucus' annual legislative conference. It was our 25th anniversary.

I think it was a clear indication to all who are concerned that the Congressional Black Caucus is still very much alive and a very potent force in the politics of this Nation. Some 20,000 people came to various activities, including workshops on major issues like education, transportation, health, et cetera. We reaffirmed a clear Congressional Black Caucus agenda. We call it the Congressional Black Caucus and the Caring Majority Agenda, because it includes so many more people than people who are black. The overwhelming majority of Americans agree with the agenda that we set forth.

We started this agenda when we offered the Congressional Black Caucus alternative budget on the floor of the House, and we continue the fight. Today and tomorrow we particularly want to emphasize the fact that we are very upset about the death of the welfare entitlement, the death of the entitlement for poor people in need of assistance. The entitlement is on its last breath, its last gasp, almost. The Senate has agreed to end the entitlement, and the House has previously agreed to end the entitlement. We are afraid the President will not veto this end of entitlements that have existed since Franklin Roosevelt created Social Security.

We are going to particularly focus on that. In fact, we are going to wear black arm bands tomorrow to mourn the death of entitlements, the entitlements related to assistance to the poor. That is just the beginning. We understand that on the table now, everybody should know that on the table now is a proposal to kill the entitlement for Medicaid. We have almost killed the entitlement for assistance to poor people. We have set a precedent, so now we are going to go on to kill the entitlement for Medicaid, which means that many fewer people will be eligible for assistance with health care than were eligible last year, when we were talking about moving toward universal health care.

We have an agenda. We want to fight this. We want to fight the death of entitlements. We want to fight aggressive racist attacks in all forms. The Congressional Black Caucus has pledged to continue the fight against the attacks on affirmative action, we are pledged to continue the fight against school desegregation, set-asides, and the Voting Rights Act. We want to fight for education as a national priority. The CBC alternative budget demanded a 25-percent increase in funding for education. President Clinton has also proposed a large increase for education. We want to fight for this increase. We do not want the President to lose sight of this priority.

We want to fight to stop all of the cuts in Medicaid as well as Medicare. This Nation needs a national health insurance program with universal coverage. We should not take a step backward and end the entitlement for Medicaid. We want to fight to increase the minimum wage, to guarantee the right to organize unions, to end the striker replacement activities, and to maintain safe and healthy conditions in the workplace.

□ 2015

We want to fight to balance the Nation's tax burden by lowering taxes on families and individuals, while forcing corporations to pay their fair share of the taxes. At present, corporations cover only 11 percent of the tax burden, while individuals and families shoulder 44 percent of the tax load. We want to fight this injustice and balance the tax burden. Mr. Speaker, if we want to balance the budget, first balance the tax burden and relieve individuals from high taxes while we raise the burden on corporations up to a more reasonable level.

Mr. Speaker, we want to fight for an increase in foreign aid to Africa, the Caribbean, Haiti, and other third world countries to assist with vital health and education needs. During this weekend we passed a specific resolution related to education.

Mr. Speaker, I am the chairman of the Education Brain Trust of the Congressional Black Caucus and the National Commission for African-American Education, along with the Congressional Black Caucus Brain Trust Assembly, and those organizations declared their full support for the organization of a National Education Funding Support day on Wednesday, November 15, 1995, during open school week. Just about 6 weeks from now, during open school week on November 15, 1995, we would like for people to come out in large numbers.

We want all of the community groups, senior citizens, businesses, all kinds of people, churches, unions, to mobilize and bring people out on the morning of November 15, to the nearest public school. Everybody come out to the nearest public school to show that in America, there is overwhelming support for education, that there is overwhelming support from all walks of life, and we want to reaffirm this on November 15, during open school week. So please come out and participate. This is a particular and specific outcome of the Congressional Black Caucus weekend and we would like the support of every individual across the Nation.

REPEAL OF THE DAVIS-BACON ACT

The SPEAKER pro tempore (Mr. HOBSON). Under a previous order of the House, the gentleman from Arizona [Mr. SALMON] is recognized for 5 minutes.

Mr. SALMON. Mr. Speaker, I rise tonight in strong support of the repeal of the Davis-Bacon Act. Davis-Bacon is over 60 years old, but has already lived out its usefulness by that long in dog years.

This act is an example of the command and control economics practiced by the failed Soviet state. Instead of the free market determining the wages of workers employed by Federal construction contractors, we have a handful of bureaucrats in the Labor Department right here in Washington deciding how much their fair pay should be.

That's right, the same Government that spent the American taxpayer's money to study the effects of cow flatulence on the ozone layer has decided to give electricians in Philadelphia a raise from the $15.76 market average to $37.97 per hour just for working on a Federal building.

I would love for somebody to show me how the federally determined prevailing wage can be over twice as high as the city-wide average.

From its creation in 1931, Davis-Bacon has been used to freeze lower-wage, nonunion workers out of Federal construction projects. That was its purpose then, and that is what is does now. By equating the prevailing wage with higher wages, the Department of Labor is still protecting unions from being undercut by their less costly nonunion competitors who are paying wages determined by the free market.

That is why small business organizations like the NFIB and the U.S. Chamber of Commerce so strongly support the repeal of Davis-Bacon. By requiring firms to pay their employees the higher wage, small businesses are virtually frozen out of every phase of virtually every Davis-Bacon contract. We should be committed to expanding opportunities for small businesses, not continuing unsound policies that limit their participation in Government contracts.

Davis-Bacon is also costly to the American people. The act has cost taxpayers billions of dollars over the years as the taxpayer has been forced to pay too much for construction work that could and should have been done for less. The CBO estimates that the act costs at least $1.5 billion per year. For this reason, the GAO has been arguing for its repeal since 1979. In these tough budgetary times, not repealing this act is simply irresponsible.

This act also costs our States and localities in terms of added paperwork. Dallas TX, estimates that their officials spend 4,000 hours just to comply with the mandates of the act. That is 167 days, or almost 6 entire months! This is just time spent on compliance, not even the actual building Davis-Bacon projects—unless you consider the towers of paperwork a construction contract.

It has also been estimated that Davis-Bacon adds 10 percent to the cost of inner-city construction nationwide. This is the equivalent of adding a full percentage point on an 8 percent, 30-year mortgage. How do you think our constituents would feel if they woke up paying another full percentage point on their home loans. Well, if you don't think they would like it, you had better not tell them about the Davis-Bacon Act.

This act is a bureaucratic nightmare, it inflates costs for States, localities and for the American people, and it freezes small business out of Federal construction contracts. It does not ensure higher quality, or faster work for all the extra cost, it just protects higher-paying union shops from getting undercut by their more efficient nonunion competitors. It is counter-intuitive and antifree market. It is an idea whose time may never really have come, but clearly has gone.

If we had a chance to put this law on the books today, I don't think that we would take it. We will soon have an opportunity to repeal the Davis-Bacon Act. Let's reaffirm our commitment to the free market, to open and fair competition, and most of all, to the American taxpayer. I urge my colleagues to join me in supporting the repeal of the Davis-Bacon Act.

A NEW THINKING IN WASHINGTON

The SPEAKER pro tempore (Mr. SALMON). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I also want to join my colleague, the gentleman from New York [Mr. OWENS], in stating that indeed, the Congressional Black Caucus had a very substantive and meaningful weekend wherein they not only spoke of issues that affect African-Americans, but they talked about issues that affect Americans as a whole, and wanted to see how the quality of life for all Americans can improve. To that vein, Mr. Speaker, we are reminded, and they reminded us, that people are suffering.

Mr. Speaker, like never before, Congress is seeking to change America, changing the role that the Government will have in the lives of Americans by reducing and eliminating social programs, restructuring college loans and grants, revisiting nutrition programs and cutting Medicare and Medicaid. These programs have increased the quality of American lives and have added to the productivity of this Nation. This budget cutting affects all Americans, young and old, men and women, low- and middle-income, black and white.

There is now a new thinking in Washington, Mr. Speaker, a new thinking that does not seem to care or to focus on inspirational leadership, a new thinking driven by a desire to abandon the collective spirit of uniting all Americans, the unity that built this Nation. This new thinking seems to embrace the individual and isolate each of us from one another. That kind of thinking can only lead to weakening the very fabric that makes America strong.

Mr. Speaker, if some in Congress have their way, Government would shift from the halls of Congress and the corridors of the Federal executive to places where State and local government officials can treat their people and citizens differently from what America stands for. In many instances, Congress is dumping on State and local governments, and they should not do this.

If some in Washington have their way, infants may not have immunizations, children may not have school lunches, and high school students may not have summer jobs, and students may not have loans to foster their education. More importantly, senior citizens may not have the opportunity for quality health care.

Mr. Speaker, I would suggest if these new thinkers in Washington really want change, they should indeed change the minimum wage. They should have meaningful change. They should change the tax cut that they are proposing and make sure that they not only give a break to the wealthiest Americans, but give a break to all Americans. If they want real change, they should restore school lunches for children who need it. If they want to make significant change, they should change their mind about cutting Medicare and cutting Medicaid.

Mr. Speaker, I am fully aware that these are difficult times and we all must and should be expected to make sacrifices. That is the point, that all of us should make the sacrifice, not just the poor.

One of our priorities must be to reduce the Federal deficit. However, I believe we can achieve a better and more efficient use of our spending priorities without cutting education programs that have been the national priority for many years, without eliminating job programs that provide hope and a way out, without cutting nutritional programs that allow children to grow and live, without cutting farm programs that produce the food for all of us to eat, and without cutting Medicare and Medicaid. Medicare and Medicaid is a true contract with America.

Mr. Speaker, we are strong because historically we have been able to make a place for all who live here, including those who are least able to help themselves: the young, the old, the poor, the

frail, and the disabled. What makes us a great Nation is the compassion we show to those who live in the shadow of life.

In this time of increased scrutiny, I believe we must examine each and every program, but we must also consider each and every person affected by our changes. We must ask the question: who is helped and who is hurt?

Mr. Speaker, we live in a time of many problems, yet we live in a time of much promise. It concerns me that there are so many young people these days at the sunrise of their lives engaged in such destructive behavior as teenage pregnancy, drugs, and killing each other. Those are some of the problems. Too many are planning their funerals instead of their future.

The hope for America rests with our young people; our children truly are our future. Unfortunately, Mr. Speaker, the majority in Congress has launched an assault on the education of young people and other programs like nothing we have ever witnessed in the history of our Nation.

Under the pretense of "gliding toward a balanced budget," their assault is relentless and damaging for all. The Labor-Health and Education bill, which passed recently, clearly demonstrates the difference between the policy of the Democrats and the extreme policies of the Republican majority. But worse, the bill ignores the pain it will cause to children, youth, and the elderly of America.

Rather than promoting education, the bill is an obstruction to education. Half of that bill, some $4.5 billion, comes from education. Title I is cut by $1.1 billion, and nine critical basis education opportunities which make our nation strong.

Mr. Speaker, this is no way to build America. I ask all of our colleagues, the time is not too late to change our minds and make sure we carry ourselves on the right path to restoring America.

THE CLOCK IS TICKING ON MEDICARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, today is Wednesday, and the House is back in session. I was told that today in the Committee on Commerce, which I am a member of, that we were going to have a Medicare bill from the Republican leadership and that we would begin marking up the Medicare bill today. Of course, we did not receive a bill. We do not know when we are going to receive a bill. The latest information is that apparently a bill may be forthcoming either Friday or sometime over the weekend, or maybe not for another week or so.

So the clock keeps ticking and still Speaker GINGRICH and the Republican leadership have not given us a Medicare bill. I think it is very unfortunate. We really do not know what the Republican leadership is proposing with these vast changes in Medicare that have gradually been leaked out, and we certainly have not had any opportunity for any real hearings.

As some may know, the House Committee on Ways and Means had one day of hearings last week. That obviously was not acceptable. We think the Democrats feel, and I feel very strongly, that we should have about a month worth of hearings and debate on something so important as Medicare. As a result, we have decided to have alternative hearings, and today was the second day of those alternative hearings out on the lawn in front of the Capitol where we heard from people from various parts of the community about the problems with the Republican leadership's proposal to change Medicare and take some $270 billion in cuts in Medicare in order to fund tax cuts primarily for the rich.

Mr. Speaker, I just wanted to say, I was very pleased today, because I have noticed now that not only on Medicare, but also on Medicaid, the health care program for poor people, that this is no longer a partisan issue in my home State of New Jersey. Increasingly, Republican legislators have come out, both on the State and the Federal level, and criticized their own party for what is happening to Medicare and Medicaid. On the Medicare program for the seniors, today, or I guess it was yesterday, in Ocean County, which is the county that I used to represent, three State legislators, including Senator Conners and also Assemblyman Moran, both of whom have been in the State legislature for a long time, came out and had a press conference, sent a letter to Senator DOLE and to Speaker GINGRICH saying that they should scrap the Medicare proposal as it is, said that it was not fair to take away the money from Medicare to the tune of $270 billion and use it to finance a tax cut for wealthy Americans.

□ 2030

They asked the Speaker and Senator DOLE to simply throw the thing away. They pointed out, which I thought was very significant, that the proposal by Speaker GINGRICH to double the Medicare Part B premium for doctor bills over the next 7 years was totally unacceptable and that seniors in their part of New Jersey, in Ocean County, would not be able to pay that Part B premium.

This is something that myself and other Democrats have been complaining about now for several weeks but now we are also seeing Republicans in New Jersey coming out very strongly against these proposals.

One of the worst things that happened, not only with regard to Medicare but also with regard to Medicaid is that my own committee, the Committee on Commerce, last Friday reported out the Medicaid bill that essentially the Republican leadership had put together. I have rarely seen such a travesty committed against the American people, particularly poor people, particularly elderly people.

The New York Times in an editorial today called it a cruel revision of Medicaid. They said, "Congress shows no signs of slowing its assault on the social safety net stitched together over 6 decades. The House Commerce Committee tore another hole in the net on Friday by eliminating the Federal guarantee of Medicaid insurance for millions of poor families. At the same time it voted to slash Federal Medicaid spending, virtually forcing States to kick millions of poor children out of the program."

Let me tell just briefly some of the things that the Committee on Commerce did on Friday by a strictly partisan vote, all the Republicans voting for it and most except I think for one Democrat voting against it. First of all they eliminated all standards for nursing homes. They are giving money under Medicaid to the States for the Medicaid program which primarily pays for nursing home care in this country and they are eliminating all nursing home standards. Basically unless the State steps in, the nursing homes can do whatever they want.

The other thing they did was to eliminate any protection for seniors, the spouse who stays back at home when the other spouse goes to a nursing home. Right now if your spouse has to go to a nursing home and pay for it by Medicaid, you can keep your home, you can keep your car, you can keep something like $14,000 in assets. That is gone.

The assault on senior citizens both with the changes in Medicare and Medicaid continues. It is very unfortunate. I think it is incumbent upon us to continue to speak out against it.

REPUBLICAN LEADERSHIP ON MEDICARE

The SPEAKER pro tempore (Mr. SALMON). Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to underscore the importance of the Republican leadership in being at the forefront to help senior citizens here in the United States.

We have looked to the leadership of this House, the Republicans, who in a bipartisan fashion this year rolled back the unfair tax that is on our Social Security recipients that was placed there in 1993. As well, under that same leadership, in a bipartisan vote but led by

Republicans, the seniors, who have been capped at $11,280 for income for those under 70 without having deductions from their Social Security allotment, in fact now can earn under our new legislation up to $30,000 a year without any deductions from Social Security payments.

This is what many senior groups have asked for and we have responded by in fact approving such legislation in this House.

Now let us look to the major problem that we need to face to make sure that Medicare is in fact here not only for the seniors of today but for the seniors of tomorrow. We look to the fact that Republicans and Democrats in the House are looking to preserve, protect and hopefully strengthen Medicare.

Just look to the President's trustees, Mr. Speaker, back here in the spring of the year, when they determined, and that is the Secretary of Treasury Rubin, Secretary of Health Shalala and the Secretary of Labor Reich, they all said that by the year 2002 if we do nothing, Medicare goes bankrupt. No representative in this House or in the Senate could responsibly go home after this session and say we did nothing to preserve, protect or strengthen Medicare.

Therefore, we need to look to alternatives of what to do. How do we strengthen this system that has provided valuable health care services to our seniors the last 30 years?

We look at health care costs in the country today, Mr. Speaker. Four percent is the average health care cost increase that we are having. But Medicare has gone up 10 or 11 percent a year. If you just look to the fact that fraud, abuse and waste is taking $30 billion a year, that has been documented by every important Government agency, including the GAO, you will find that that is a large part of how we can solve the Medicare crisis.

I had a Medicare preservation task force meet throughout my district this summer, a bipartisan group, asked seniors, those who are subscribers, insurance companies, they talked to people who are involved in the health care field and said, "What can we do to change it?" They came up with some solutions which I have passed on to legislative leaders of the House and we hope that as a result of those task force recommendations, Mr. Speaker, we will have some fundamental changes.

One of the changes they want to see is first, of course, the fraud, abuse, and waste eliminated but also the 12-percent cost we put toward paperwork—paperwork, Mr. Speaker—instead of health care. We have to reduce that. We also had from our task force recommendations that beyond having the fee-for-service as an option for our seniors, the continued fee-for-service, also talking about the possibility of a managed care option, with more services to seniors that they are not now getting, possibly dentures or eye care or pharmaceuticals included. Also talking about Medisave accounts, where you get $4,800 a year as you do now, of course, up to $6,700 by the year 2002, but whatever funds you would not use in your visits to the doctor, et cetera, will be rolled over, you keep the money or rolled over to the following year. Also our task force called for the Inspector General to actually implement some of the reforms from the HHS Inspector General which call for not paying those subscribers, not paying those who provide the health care service substandard care, that we make sure we get reimbursement to the system.

I am also working with the gentleman from New Mexico [Mr. SCHIFF] and the gentleman from Connecticut [Mr. SHAYS] on legislation to speed up the enforcement, investigation and prosecution of those who would commit the fraud, abuse and waste.

I think that we can see, Mr. Speaker, that by working together in a bipartisan fashion, we can not only make sure that we have a health care system under Medicare for our seniors that is strong and is preserved for this generation of seniors but for the next generation of seniors to whom we also owe a responsibility.

REPUBLICANS WILL GET MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. BROWN] is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, the 104th Congress came here with a mission: to balance the budget. I don't think there are many who would disagree that balancing the budget is a top priority. But I cannot, in good faith, balance the budget on the backs of the poor women, children, the elderly, and the disabled—people who need help the most. It is wrong for this Congress to abandon Americans in need.

Mr. Speaker, Webster's Dictionary defines the verb to "cut" as to hit sharply, to constrict, to reduce, to lessen, to hurt.

I understand that the Republican leadership is unhappy about us using the word "cut" to describe the Republicans' revolting and offensive Medicare plan. OK, fine. Maybe cut is not quite the right word. Well how about g-u-t? According to Webster's, to gut is to demolish, to destroy. How do you like the word gut? The fact is that Republicans want to destroy Medicare's security and leave our seniors stranded to fend for themselves. Perhaps gut is a more appropriate word!

Mr. Speaker, during the August recess, I held 13 town meetings and met with 3,000 of my constituents. My constituents told me that they are outraged about the Republicans' reverse Robin Hood tactics—taking Medicare benefits from seniors in order to pay for a tax break for the wealthy.

The Republicans are trying to pull the wool over the eyes of 37 million of our Nation's seniors. Many of these folks will be forced to give up their doctors, premiums will rise, as will deductibles and copayments. For many of our Nation's low-income seniors, these cuts will be devastating. A thousand dollars extra per year is not small change.

Republican call it a cut in the growth of spending. I call a sneaky attempt to fool seniors. They say they are offering seniors choices. The truth is that seniors will pay more and get less. They call it progress. I call it a good old-fashioned bait and switch.

You know, the Republican Medicare plan reminds me of an old saying: you can fool some of the people some of the time, but you can't fool all of the people all of the time. The American people will not be fooled by this game being played with the health care of the elderly.

Mr. Speaker, we are sent here to Congress to be a protector of the people. Thirty years ago, when President Lyndon Johnson signed Medicare into law, Congress made a social contract with the seniors of our Nation. Well, guess who opposed Medicare in 1965? The Republicans. Even before that, during the Eisenhower and Truman administrations, the Republicans opposed passing Medicare. That's why it's no surprise to me that the Republicans are trying to gut Medicare now. Now, when the program serves as a security blanket for 37 million Americans. Now, when Medicare serves as a lifeline to our seniors. Well, let me say this to my Republican colleagues: we cannot balance the budget on the backs of our seniors. We should be celebrating and embracing our seniors, not stabbing them in the back by taking away their health care.

REPUBLICANS WORKING TO SAVE MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. MCINNIS] is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, shame on you, to my colleague from the fine State of Florida. What are you trying to do utilizing these scare tactics? You know they are inaccurate. You know they are false.

I just went to the Webster's dictionary. You like to quote the Webster dictionary. Let us quote another word out of the Webster's dictionary, called "save." Save means to rescue, save means to keep safe. Save means to preserve.

Do you think this is going to go away if you put your head in the sand? Do

you think if you tell American people enough times that we are going to throw seniors out in the streets, that people are going to go hungry, that there is not going to be medicine provided by this fine and great country of ours, that they are going to begin to ignore the crisis that we have in Medicare?

When are you going to come to your sense that this thing is going broke?

Your President, my President, has. He appointed trustees and they came out and said if we do not do something about this program by the year 2002——

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The gentleman will address his remarks to the Chair.

Mr. MCINNIS. I thank the Speaker.

Mr. Speaker, when will the gentlewoman recognize the fact that the Medicare Program is in very serious trouble? The President's trustees themselves have said that that program will be broke by the year 2002.

Is it the theory of some of the people—mind you, not all of the Democrats are opposing this. We have some bipartisan support to save Medicare, to rescue Medicare, to preserve Medicare. But there are some people out there who, by the way, do not have a plan of their own, who, by the way, do not talk about solutions, all they talk about is how do we use scare tactics, how do we scare the Republicans, how do we win the elections in November?

Why do they not put that selfishness aside and talk about the senior citizens in such a way to save the Medicare Program for them, to preserve the Medicare Program for them? Sure it is easy to criticize the first person out of the foxhole.

We have been willing to take that leadership challenge. We are willing to be the first people out of the foxhole, because if somebody does not do it, Medicare is going to go bankrupt.

There are a lot of my colleagues who did the same kind of yelling and pulled the same kind of tactics on the deficit, a deficit that accumulates at a rate of $35 million an hour. They hid their head in the sand, they told the American people, "Ignore it, ignore it, it's not happening, it's not happening, it's not happening," and they became convinced that some of the American people were becoming convinced that the deficit was not a problem.

□ 2045

Look where we are today. Look at the suffering that the American people have today because this Congress did not take the responsibility of running a balanced budget in the last 25 years. But to my colleagues on the House floor, we are going to face exactly the same kind of crisis with Medicare if we do not accept that responsibility. If you do not like the plan we have got, come out with a solution. Do not spend our fine time tonight addressing the people in this House, our colleagues, telling them criticism after criticism, quoting Webster's Dictionary. Go look up the word "solution" in Webster's Dictionary. That is where we ought to be working, Democrats, Republicans, unaffiliated. Let us all work for a solution.

I think it can work. I want Medicare saved. I want it rescued. I want it kept safe.

My dear colleague from the State of New Jersey, same kind of thing, same kind of rhetoric. Stand on this House floor, tell the American people that the seniors are going to go without health care, that they will not get to choose their doctors, mislead all you want, be inaccurate as you want, put in a scare tactic and ignore the true problem, that problem being that if we do not do something with Medicare, my colleagues, this thing is going to go belly up. It is not going to go belly up 20 years from now. It is going to go belly up while many of you are still serving in this House.

It is our obligation, a fundamental responsibility of our duty to this country, to save that program, to save the senior citizens, to make sure that senior citizens of this country do have the medical attention that is necessary. When we are done with that, we have got a lot of other things that we need to address, the deficit. And we are trying to address it.

I think we will get it done. I am optimistic we are going to be able to save Medicare.

I am used to people criticizing and never joining the team. We have got a lot of people that like to ride the wagon and not pull it. If some of my colleagues preceding me speaking tonight would instead help pull the wagon instead of trying to get a ride on it or sitting on the side criticizing why we are not getting that wagon out of deep mud, we may not be able to get it out.

If some of my colleagues who spoke earlier come up with some solutions, work with us in a bipartisan fashion, we can pull that wagon out of the mud, and we can save the program.

REQUEST FOR ADDITIONAL TIME IN SPECIAL ORDERS

Ms. BROWN of Florida. Mr. Speaker, would I get an opportunity, maybe 30 seconds, to respond, since the gentleman called my name during his presentation?

The SPEAKER pro tempore (Mr. SALMON). The gentlewoman cannot be recognized for that purpose. She has already spoken for 5 minutes. However, if the gentlewoman would like to get some time from one of the Members speaking later, that would be acceptable.

TRIBUTE TO THE HONORABLE NORMAN Y. MINETA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California is recognized for 60 minutes.

Mr. BROWN of California. Mr. Speaker, I hope that we can pause for a moment from the policy issues which divide us at this particular time, and they are extremely important issues, and move on to something that I think we can find a great deal more unanimity about.

I have taken the time this evening to say a few words in praise of our colleague, the distinguished gentleman from California [Mr. MINETA], and before I make my own remarks on this matter, I would like to yield to the distinguished gentleman from California [Mr. MATSUI] for a few words on this subject.

Mr. MATSUI. I would like to thank the distinguished dean of the California delegation for yielding to me and also setting up this special order tonight on behalf of our dear colleague, the gentleman from California [Mr. MINETA], from San Jose, CA. I am only going to take a few moments.

But I would like to just say on behalf of the people of the State of California, certainly my colleagues in the U.S. Congress and certainly the Asian-American community and people of color generally that we are losing in this institution in the next few weeks truly one of the champions and one of the leaders that, in my opinion, will go down in history as truly an outstanding legislator.

When I decided to run for Congress in 1978, one of the first individuals that called me was NORM MINETA to offer his assistance, even though I was going to be engaged in a very, very difficult Democratic primary. I cannot tell you how much that moment meant to me when that phone call came in, and from that time on I have looked upon NORM MINETA as really not only a colleague and a dear friend but as a mentor, as somebody that I would look to in terms of a rule model for leadership, for values of what it is to be a legislator.

I think that all of us, as a result of NORM's leaving this institution and going in the private sector, will miss him truly, dearly.

As many know, he was born in 1931 in San Jose, CA. One of the great achievements, I believe, of this institution over the last 20 years was the passage of House bill 442, which was the bill to provide compensation to Americans of Japanese ancestry, a bill that NORM MINETA introduced and which NORM was really the singular most important leader in moving that legislation through this institution.

NORM was 10 years old in 1942, 11 years old. He was a member of the Boy Scouts in San Jose, Cub Scouts in San Jose. His father was in the insurance

business, and his mother and other brothers and sisters were living in San Jose. As I mentioned, he was born in San Jose, 11 years earlier, in 1931.

In 1942, in April, Executive Order 9066 was passed, which asked that Americans, Americans of Japanese ancestry, be interned for the duration of World War II. As I said, NORM was 11 years old. No charges were filed against him, although he was an American citizen. No trial was had. But NORM was incarcerated, along with his parents, brothers and sisters, and 120,000 other Americans of Japanese ancestry for a period of 4 years.

Some 40 years went by before Americans of Japanese ancestry were even able to talk about this, and one of the real problems that we had was the fact that to talk about the incarceration by your own Government raised the specter of disloyalty, and so it was something that we had a very difficult time discussing. It was better to hide it than to bring it out. I remember when I was in junior high school and we were discussing World War II, and one of my teachers, very well-intentioned, said to me, "BOB, weren't you in one of those camps?" I was a 6-month-old infant when I was interned, and I recall looking around my at my classmates, and I denied it, because it was easier to deny it than to explain why you were jailed by your own Government because that would raise the issue of whether or not you were loyal or not.

Well, NORM MINETA, when he came to Congress, decided that he was going to rectify that wrong, that injustice. Over the years, NORM introduced, as I mentioned, House bill 442, which would provide an apology by the U.S. Government to those surviving Americans of Japanese ancestry, 66,000 at the time, about a half of the 120,000, and also token compensation of $20,000 per surviving internee, and as everyone knows, on September 17, 1987, the 200th anniversary of the signing of the Constitution of the United States, and that date was picked by then Speaker Jim Wright after NORM MINETA requested that he pick that date, the House of Representatives, by an overwhelming majority, passed that legislation. It went to the Senate, and Senator INOUYE, Senator Matsunaga, and a number of others were very instrumental in having that legislation passed, and then President Reagan, in August 1988, signed that legislation.

I have to say that if that were NORM's only feat, he would go down, in my opinion, and I think in the opinion of many, as a giant, a legislative giant, because in the middle of a period of austerity, to pass that kind of legislation, in my opinion, most people would have thought was impossible.

NORM is now known only for those kinds of achievements. NORM, as many recall, was the chairman of the House Public Works and Environment Committee. He was the leader in moving the legislation, which later was known as ISTEA, a bill that provided sums of money to localities to build up and repair the infrastructure of this country, which, in my opinion, still in America is so sorely needed, but with NORM's leadership we were able to do this in a very, very important, environmentally secure way.

I will not take any more time, I say to the gentleman from California [Mr. BROWN], but I would like to just close by making one final observation, if I may. There is so much that one can say about my colleague, NORM MINETA, but I would like to just close by making this one final observation about him. I think that if one looks back at history 50 years from now and one looks at this period, one will find that the legislation that he led and sponsored to provide compensation to Americans of Japanese ancestry will go down in history as one of the most monumental legislative feats that has occurred in the last 25, maybe 30 or even 40 or 50 years.

The reason I say this is because it is not often when a government can admit it is wrong. It is not often when a government is willing to say to its own citizens, "We made a mistake, and we want to provide an apology and some minor token redress to you." I think what NORM's career in this institution and as a legislator represents is that one person, one person in this great country of ours, can indeed make a difference.

I would just like to say to NORM and his wife, Danny, and his children, thank you for your dedication, your commitment, and your courage of being a legislator in this great country of ours.

Mr. BROWN of California. I thank the gentleman from California [Mr. MATSUI] very much for those extremely eloquent remarks.

As I indicated, we are here to take note of NORM's departure and to say farewell to him.

I think we are all aware that he has announced that he will be leaving us early in October to take a position in the private sector with one of the Nation's largest firms in an area in which Mr. MINETA has achieved nationwide, if not worldwide, recognition as a leader in the field of intelligent transportation systems and related activities, which I think will provide him with an opportunity, if it is possible to say this, for even greater public service than the opportunities that he has had here in Congress for more than 20 years.

I said, and I was not being entirely facetious, that this was an offer that would be hard to refuse and that I would be making the same decision that he made if I had received an offer such as that.

NORM has been a leader, a voice of reason, and a voice of conscience since he was first elected to this House in 1974.

I would say that, in addition to the things that the gentleman from California [Mr. MATSUI] has already indicated about NORM's career, that he has already more than justified a position in American politics which will be very difficult to match. The fact, as has already been mentioned, that he suffered the indignity of incarceration in a so-called relocation camp, and that this did not affect his commitment to public service, his love of his country, and his desire to excel in providing leadership in this country is remarkable in itself. But he has been a community leader all of his life. He has a record of community activity in his home city of San Jose which is unexcelled. He has risen in the political hierarchy there as a member of the city council and then as mayor of that city, which, I am sure, will be remembered.

I had the pleasure of participating in the dedication of the portrait that he will have and has had mounted in the Committee on Transportation and Infrastructure, a marvelous portrait, I might say, but I am inclined to predict that that will be only one of many memorials that will be created in his honor over the next few years.

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I would not be surprised if there is a statue in the town hall of San Jose, or the town square, that will commemorate his service as one of the outstanding citizens of that community.

The gentleman from California [Mr. MATSUI] has made some reference to the kind of service and leadership that he has given in the House. I want to mention some of the things that have not been covered.

He has, in addition to serving on the committee which was then Public Works and Transportation as chairman during the 103d Congress, he served as also chairman of several of the major subcommittees of that full committee. Noteworthy of course was the Surface Transportation Subcommittee, on which he made very great contributions to and, I think, advanced the cause of investment in transportation infrastructures as no other person could do. He served as chairman of the Aviation Subcommittee, and the stories about his contributions to aviation, and improvement of aviation safety, and service to the public are manyfold, and I will not put them all into the RECORD at this time. He also served on the Committee on Science, which I had the honor of chairing for a couple of terms, and I can tell my colleagues that he was one of the outstanding leaders on that committee. I regret that he had committed so much of his time to other major committees as he did, but he also provided that vital linkage between the two committees, and it was reflected, of course, in

his commitment to the technological advancement in transportation, both surface and aviation, that he pioneered in that committee. But he was a voice of reason and of perspective on the future in the Committee on Science, and I want to pay tribute to the great service that he gave on that committee as we worked together on issues of importance to the Nation and to our home State of California.

I suppose it is important that I should mention incidentally that he served on two other major very important committees, the House Committee on the Budget in which he was also a leading force for a number of years, and the House Permanent Select Committee on Intelligence. It was in part because of my respect for the work that he did on that committee that I sought to follow him briefly on the Permanent Select Committee on Intelligence, and I learned a great deal from my conversations with him about that very important subject.

He is, of course it goes without saying, a very hard-working Member, and I would particularly point out the contribution he made in some of those great debates that we had on the space station in the committee that I was chairing, the Committee on Science. It was normal that we counted on him to round up the votes, to count the votes that were necessary, in some of those very close fights we had over continuing that very important part of our space program. I doubt if I have ever thanked him adequately for that service, and I certainly will do so today. He took it as a matter of course that, if something needed to be done, you pitch in, and you do it, and you do it extremely well. I can think of no other Member of Congress that I would want to have on my side on a hotly contested policy issue than NORM MINETA.

We have already heard some reference to his responsibility on the Committee on Transportation and Infrastructure, the role he played in the passage of the Surface Transportation Act of 1991 and the way that legislation has helped us map out new direction for transportation policy in this Nation. He has also been a steadfast defender of the environment, an issue which over the decades has been a major importance to our State of California and to the Nation, and the work that he has done on things like the Clean Water Act and on other very important pieces of environmental legislation that go through that committee.

Many of us can remember other significant accomplishments that the gentleman from California [Mr. MINETA] was engaged in. If I might mention, for example, one of the ones that impressed me the most was the fight that he carried on to protect the prerogatives of his committee, an authorizing committee, against what we who are on authorizing committees regard as the inroads and depredations of the appropriators even though they are our very good friends, and many of you will remember what I consider to be that historic battle, if we may call it that, between him and the chairman of the Transportation Subcommittee with regard to how we would handle the appropriation and authorization for the highway program, and this was a battle in which the appropriators sought to usurp what was clearly the responsibility of the Committee on Transportation, and in that fight, of course without any effort to derogate the great work of the appropriators, the gentleman from California [Mr. MINETA] prevailed in upholding the responsibility of his committee, and I want to commend him again for that great job that he did. I wish I could have been half as successful in my own battles with the appropriators.

His landmark contribution to civil rights of course has already been noted by the gentleman from California [Mr. MATSUI] in connection with the legislation which made some inadequate amends for the incarceration of the Japanese-American citizens during World War II. I probably am not in a position to fully respect all the work that went into that. I followed it as an interested supporter and observer and admired the way in which the gentleman from California [Mr. MINETA] handled that issue, and I think that as the gentleman from California [Mr. MATSUI] has already said, that he will be remembered in history for that great contribution he made to redressing a wrong perpetrated by our great country on our Japanese-American minority.

Despite the fact that I was not as active a player in that, I felt the significance of it perhaps more than the gentleman from California [Mr. MINETA] will appreciate because I fought that action by our Government, and at the time that it occurred I was an employee of the city of Los Angeles where the mayor had taken the lead in removing all Japanese from city employment as his contribution to keeping our country safe, and at that point I sort of made myself obnoxious by forming a committee of city employees who went to the mayor and protested this action. I can still remember that I was accused of being a subversive for wanting to support fair play for our Japanese-American citizens in those very difficult times, and I want to personally express my thanks to the gentleman from California [Mr. MINETA] for the effort that he made, the successful effort that he made, to finally bring about a public official apology on the part of the citizens of this country for that kind of activity.

All of these actions that I have described are tributes to his legislative skill, to his dedication, to his tenacity, his willingness to work hard, and it is for these kinds of reasons that I say that the gentleman from California [Mr. MINETA] will go down in history as a native son of California of whom the entire State can be proud, and of course his own city of San Jose, I know, will be proud of him. He has been a leading citizen of San Jose and of the counties of Santa Clara and Santa Cruz since he began his public service now nearly 30 years ago.

I remember when he came to Washington in 1974. I enjoyed working with him as a part of the California delegation. He is one of the regulars who we count on to keep the delegation together, and we are going to hold open at least an honorary seat for him in all of our regular Wednesday morning breakfasts because he is one of those who will be impossible to replace.

I am both glad and sad about his decision to leave. I am glad of the opportunity that it gives him. As I said earlier, I think that we will see a great deal more of him in the future. I expect him to make an even greater contribution to the expansion of modern high-technology surface transportation and related kinds of activities in his career with Lockheed Martin, and I may even visit with him once in a while to find out what I can learn to help us here in the Congress in terms of improving our national transportation system.

We will miss him, but we know he is not dropping out of sight. We expect to see more of him. He will merely be changing his point of view as we discuss the important policy issues of this country.

Mr. Speaker, there were a number of others who wanted to participate in this, but we all recognize that the lateness of the hour and the turbulence of these times makes that difficult. There are a number whose names I will not mention who had intended to participate.

Mr. Speaker, we have asked for time today to say farewell to our colleague, Congressman NORM MINETA. Mr. MINETA has announced that he is leaving public service to take a well-deserved job in the private sector. Those of us who stay here in Congress, we who have not been given an "offer we could not refuse," will miss him. Mr. MINETA has been a leader, a voice of reason, and a voice of conscience since he was first elected in 1974.

Mr. MINETA has served on a number of committees during his time in the House of Representatives. He has been on the Budget and the Select Intelligence Committees. He was also on the House Science Committee until he became chair of the Public Works and Transportation Committee. During his 9 years of service on the Science Committee I got to know him well, as we worked together on issues of importance to the Nation and to our home State of California. Mr. MINETA is one of the hardest working Members of this body that I know and many of the votes on the space station might have gone the other way if not for Mr. MINETA's tireless effort to round up supporters. I can think of no other Member I would like in my corner than Mr. MINETA.

Mr. MINETA has been known most recently for his work on the House Public Works and Transportation Committee. He was responsible for the 1991 Surface Transportation Act that mapped a new direction for transportation policy in this nation. He has also been a steadfast defender of the environment, working to fashion a solid Clean Water Act reauthorization bill. Throughout his congressional service, Mr. MINETA has been one of the best defenders of the environment and he took his stewardship perspective to the Public Works Committee.

Many of us remember Mr. MINETA's other significant accomplishments, most notably his work on behalf of Japanese-Americans interned by the United States government during World War II. Mr. MINETA spent part of his childhood in one of those internment camps and he spent part of his adulthood making sure that the Federal Government made partial restitution and a public apology. The legislation that Mr. MINETA authored and shepherded through the legislative process is a testimony to his legislative skills and his sense of honor.

Within the California delegation, Mr. MINETA has been a native son of whom the State can be proud. Mr. MINETA has represented his home town of San Jose and the other parts of Santa Clara County and Santa Cruz County since he began his public service with his election to the San Jose City Council in 1967. He was later elected as mayor of San Jose and then came to Congress in the Watergate class of 1974. I have enjoyed working with Mr. MINETA as part of the California delegation and he will be sorely missed. We are going to hold open a chair for him at our Wednesday Democratic delegation breakfasts, an event to which he was a regular.

I am both glad and sad with Mr. MINETA's decision to leave us. I am glad for Mr. MINETA and the opportunity that this move represents for him. I am sad to see him leave and to lose his presence in the House. We will miss you, but we know that you aren't dropping out of sight, just changing your view.

Ms. ESHOO. Mr. Speaker, when NORMAN Y. MINETA—whose constituents all know as NORM—announced his retirement from the House of Representatives earlier this month, it marked the end of a congressional career that has spanned 20 years and enriched the lives of people in California's 15th Congressional District and throughout our entire Nation. His leadership will be missed, and his special friendship with many in this institution will never be forgotten.

NORM's hometown newspaper called him a calming voice for civility, compassion, and reason. I agree. His service to America is more than the sum of his votes and his legislation.

It is more than his reputation as Mr. Transportation—even though NORM certainly deserves to be recognized as the person who heralded a new era for public transportation in the South Bay area and the country as a whole.

It's more than his expertise on high technology and science issues—although NORM can certainly take credit for being one of the leading spokespeople for Silicon Valley and educating everyone in Congress about the importance of high technology to America's economy, work force, and future in the international market.

And it's more than his ability to know and represent successfully the views and interests of his constituents—even though NORM's highly regarded as a classic public servant who started in local government as a member of the San Jose Human Relations Commission, a San Jose City Councilman, and mayor of San Jose before he was elected to Congress.

To truly understand who NORM MINETA is, you must understand where he has come from and how that has shaped his life.

When he was a 10-year-old boy at the beginning of World War II, NORM was sent to an internment camp where Japanese-Americans were held for no other reason than their national ancestry.

He was still wearing his Cub Scout uniform and clutching his baseball, glove, and cap when his family was rounded up and shipped off to Wyoming. NORM says that "a lot of what I am today is really that 10-plus-year-old kid who got on that train" in May 1942.

He could have emerged from that humiliating and stressful experience as a bitter person, and no one would have blamed him. Instead, NORM MINETA gained a greater appreciation for the need to champion justice in our society. That appreciation led him to launch a public career that made NORM the first Japanese-American elected to Congress from the mainland.

His passion for justice and his recognition of the need for someone to speak out on behalf of Asian-Americans are woven like threads throughout his years of service.

And those threads can clearly be seen in the crowning achievement of his congressional career—the Civil Liberties Act of 1988, with which he won a formal apology and compensation for all Japanese-Americans thrown into internment camps by the United States Government.

NORM has taken his sense of fairness and applied it in other ways, too, both large and small. It's no accident that when you walk down the Halls of the House, he can be heard saying hello by name not only to Members of Congress, but also the guards, elevator operators, and other workers. He takes the time to know them all.

NORM also has taken the time to keep himself firmly rooted in the community that sent him to Congress. He was asked on several occasions to run for statewide office. And while he doesn't talk about it much, it's generally known that he was President Clinton's first choice for Secretary of Transportation.

But NORM turned down those opportunities because he wanted to represent people—his people, his community—rather than a State or an agency.

And when he announced his retirement, he didn't do it in Washington. He did it the only way he knew how—back home at his father's house in San Jose among his family, friends, and constituents.

His internal compass has always pointed home. It's only fitting that he chose to end his career where it all began.

In closing, let me say that I shall miss NORM's comradery in the House and his extraordinary service to our country.

NORM always finishes his speeches by saying "Thanks a million." And as he finishes his career on Capitol Hill, I ask my colleagues to join me in saying "Thanks a million, NORM" for giving so much of yourself to help build a more compassionate, progressive Nation. We wish you every success in the next chapter of your life.

Ms. PELOSI. Mr. Speaker, I rise today to pay tribute to NORM MINETA. NORM is leaving this House after 21 years of exceptional service to the people of California's 15th Congressional District. He has been a leader in the Democratic Party, a leader in our State's delegation, and a leading voice on national transportation and infrastructure policy.

First elected as a Member of the post-Watergate class of 1974, NORM has become one of the most prominent Asian-Americans in politics. He was a driving force behind the 1988 legislation to compensate Japanese-Americans interned by the United States Government during World War II.

NORM worked to redress this "act born of racism" for more than a decade. As someone who himself had suffered the indignity of internment during the war, NORM's voice and passion on this issue carried added moral authority during the debate on this bill.

In addition to this landmark legislation NORM has used his position as the chairman of the House Subcommittee on Aviation to make air travel safer, to protect the rights of transportation industry workers, and to benefit consumers. As chairman of the House Public Works and Transportation Committee during the 103d Congress, NORM continued these efforts and expanded them into the fields of maritime and surface transportation, water resources, public building construction, and the environment.

When viewed separately, any of NORM's accomplishments would be considered to be the crowning achievement of one's congressional career. Yet, this is what has made NORM's tenure even more impressive. He has accomplished so many important things in so many different areas. This House will surely miss his drive, his intellect, and his dedication to realizing many difficult legislative goals.

As a fellow Californian and member of the San Francisco Bay area delegation, I will miss NORM more than most. From my first days in Congress, we have worked together on many projects of importance to our region. He has been a leader, teacher, and a true friend.

We will all miss him very much and wish him all the best in his new endeavor.

Mr. WAXMAN. Mr. Speaker, I want to extend my best wishes to NORM as he leaves the House of Representatives to begin a new chapter in his life. I do so sadly, though, because he embodies the qualities that every American should have in their representative. NORM's integrity and tireless commitment to the public interest has served his district and our Nation extraordinarily well.

I have always thought of NORM as a pragmatic idealist, and that rare combination has made possibie his many legislative efforts in the House of Representatives.

NORM and I both came to Congress as part of the historic Watergate class. Like our other Democratic classmates, we came to Washington with the purpose of opening the decision-making process to the American public and making the Federal Government more responsive to its citizens. As Californians, we often

found ourselves working on issues together, and I soon discovered that he was one of the best allies one could ever hope to have. I won't list his many achievements that improved the quality of our environment now, but I do want to note that his work has been instrumental in enhancing the quality of our air, water, and natural resources.

Of course, the enactment of legislation that brought compensation to Japanese-Americans uprooted and forced into internment camps during World War II was NORM's greatest personal achievement. NORM worked to rectify a grievous wrong, and it was a grievous wrong that he and his own family experienced. This law would not have been possible without the unquestionable moral authority NORM brought to the debate and his insistence that our Nation live up to its commitment to justice and equality.

NORM MINETA may leave this House, but I know we will continue to have the warmth of his friendship and the benefit of his dedication and ability.

Mr. DELLUMS. Mr. Speaker, I rise to join my colleagues to honor and congratulate my dear friend NORMAN MINETA. We have truly benefited from his devotion to duty and his commitment to open up doors and opportunity for all Americans, regardless of national origin, race, gender, age, or economic status.

For years NORM has been in the forefront of the struggle for human and civil rights and social justice. During the historic 100th Congress, NORM was the driving force behind the passage of H.R. 442, the Civil Liberties Act of 1988, which redressed the injustices endured by Americans of Japanese ancestry during the World War II.

During 103d Congress, he was elected chair of the House Committee on Public Works and Transportation, thereby becoming the first American of Asian ancestry to chair a major committee in the Congress. Also during 103d Congress, NORM was an original cofounder with nine colleagues from the House and Senate, of the Congressional Asian Pacific Caucus, the Asian American and Pacific Islander counterpart to the Congressional Black and Hispanic Caucus. He currently serves as deputy whip, House Democratic leadership.

NORMAN MINETA was just recently honored by George Washington University with the Dr. Martin Luther King, Jr., Commemorative Award for Professional Achievement in the area of civil and human rights. We should all be in his debt because of his commitment, courage and determination to have this Nation live out the principles proclaimed in our own Declaration of Independence. There are many men for the moment, but NORM MINETA is truly a man for all seasons. His dedicated struggle for the cause of all humanity, and the testament of his personal courage cannot be understated.

So, on this day, I pay special tribute to my distinguished colleague and applaud his record of public service. More importantly, I am proud to call him friend.

Mr. LANTOS. Mr. Speaker, I rise today to commend my colleague, friend, and neighbor, the Honorable NORMAN MINETA. As an ex-officio member of each of the six transportation subcommittees, chairman of Public Works and Transportation Committee, and currently, the ranking Democrat of the Transportation and Infrastructure Committee, Congressman MINETA championed highway safety standards for the Nation, and particularly, the entire San Francisco Bay Area, where his district is located.

Throughout his career, spanning more than two decades, Mr. MINETA has made a great contribution toward maintaining and improving the infrastructure of this country, to the U.S. Congress and the people of California. His wisdom, knowledge, and dedication will truly be missed by those who were privileged to serve with him and by those whom he has served with distinction.

Concern for human rights and and dignity is a personal issue for NORMAN MINETA. As a child, MINETA and his family, along with 120,000 Japanese-Americans, were sent by the United States Government to live in internment camps during World War II. One of the highlights of Congressman MINETA's career was realized when the 100th Congress passed the Civil Liberties Act of 1988, granting redress and a formal apology by the United States Government to the 60,000 surviving Japanese-Americans who suffered injustices by the Government of their own country during World War II.

I salute Congressman MINETA for his distinguished service in the U.S. Congress and for his unyielding dedication to his constituents. I truly wish him all the best in his future endeavors.

Mr. BERMAN. Mr. Speaker, it is with decidedly mixed feelings that I rise today to pay tribute to my friend and colleague, NORM MINETA. I am delighted with his pleasure at beginning a new and rewarding career, but I am also among those who will miss his acumen, his dedication and his great contribution to matters of importance to California.

The story of NORM MINETA, who was sent to an internment camp in Wyoming during World War II—and then became the instrument by which the injustice suffered by Americans of Japanese ancestry was redressed—is one of enormous interest and appeal. The young boy wearing a Cub Scout uniform became friends with another youth who would grow up to be a U.S. Senator. ALAN SIMPSON and NORM MINETA, decades later, worked together until the Japanese-American redress bill, apologizing for the internment and providing compensation for those detained, became the law of the land.

A distinguished military veteran of tours in Japan and Korea who then became a successful business executive, NORM was a natural for public service.

His outstanding record as mayor of San Jose led him to run for Congress, where he was the president of the Watergate class of 1974. He helped push through many of the House reforms associated with that large group of House freshmen.

It was a great boon to the California delegation to see NORM take the helm of the House Public Works Committee, where he worked with all his might to protect the environment and to maintain and improve the infrastructure of the United States. He also earned the gratitude of America's working men and women by his work in protecting labor rights.

NORM also is much admired for his help in enacting the Americans With Disabilities Act, which requires increased accessibility to handicapped individuals.

NORMAN is a gentleman, a fine individual, and an outstanding legislator. We will greatly miss him here in Congress.

Ms. LOFGREN. Mr. Speaker, I am honored to join with my colleagues tonight to pay tribute to our distinguished colleague and my dear friend from California, Congressman NORMAN Y. MINETA who is leaving Congress after 21 years of service. When I came to Congress in January of this year, I was excited about the prospect of a long-working relationship with NORM in representing the people of San Jose and am sad that he is leaving so soon after my arrival.

I have long admired NORMAN MINETA not only for his astounding record of achievement as a public servant, but also for his sense of dignity and grace. NORM is a true gentleman and has earned the reputation of being one of the brightest, most respected, and well-liked Members of Congress.

Before coming to Congress, NORM distinguished himself as a highly respected businessperson and public servant. He assumed his first public post in 1962 as a member of San Jose's human relations commission followed by an appointment to the housing authority board of directors. In 1967, he was appointed to fill a vacancy on the city council and in 1969 won election to a seat on the city council and then became vice mayor by appointment. In 1971 he was elected mayor of San Jose and served in that capacity until his election to Congress in 1974.

As a freshman in the 94th Congress, he quickly distinguished himself as one of the leaders of the 75 new Democratic Members and was elected to chair the New Members Caucus. Although he enjoyed many legislative accomplishments, the passage of the Civil Liberties Act of 1988, which provided reparations for Japanese-Americans imprisoned during World War II was the most notable in his congressional career making him a hero to the Japanese-American community and other Americans who cherish civil rights and liberty.

NORMAN's broad legislative expertise includes transportation, trade, high technology, NASA, the American space program, the Federal budget, civil rights, and issues of specific importance to Americans of Asian and Pacific Islands ancestry. During his tenure in Congress he continued to maintain strong ties back home as a friend to Silicon Valley and the environment and at the same time keeping a close eye on local issues. As chairman of the House Public Works and Transportation Committee in the 102d Congress, he was successful in directing hundreds of millions of dollars for South Bay highways, railways, and wetlands.

It is with a sad heart that I say goodbye to my dear friend. NORM you have been an inspiration to me and a great void will be left with your departure. The world and this country is a better place because of your service. You have been a true friend to the people of California and indeed all Americans and we wish you well and best of luck in this new chapter of your life.

Mr. FARR. Mr. Speaker, I rise today to honor my colleague, my neighbor Congressman, and my friend, NORMAN MINETA.

His departure from Congress is not only a tremendous loss to his district and the great State of California, but also to this Nation. Many people have served in the U.S. Congress. NORM's election was history. He was the first and only native-born Japanese-American forced into an internment camp to be elected to the United States Congress.

During his youth in the Santa Clara Valley, he was surrounded by orchards and vineyards. San Jose has since grown to be the third largest city in California. His lifetime experienced the switch from an agricultural center to a center of Silicon Valley; from his Boy Scout troop days to the days of a major league hockey team, the San Jose Sharks.

Perhaps history will show that no other Member of Congress did more to help those who were wronged by our Government. From being interned to authoring the 1988 Japanese-American redress bill, which officially apologized for the internment and provided a $20,000 payment to each surviving member of the camps, NORM always tried to help those less fortunate than him.

NORM's love for aviation not only found him in the jump seat of most flights to the west coast, but also led him to marrying a flight attendant, his lovely wife, Danealia. He became chair of the House Committee on Public Works and Transportation and was able to achieve major policy changes in transportation planning and policy, including the historical passage of the Surface Transportation Act of 1991 which for the first time shifted the decisionmaking power for proposed projects to local governments.

I will miss NORM not only for the leadership he has provided in the House and for the role model he is to Asian-Americans but most of all for his passion for justice and compassion for people. NORM brings every young child he meets to the floor; instills them with a sense of belonging to the House of the people, and tells them that they, too, may someday serve here.

NORM has wit and humor. Our staffs have been playing softball in a joint team for the past 2 years. Our team is called, Farr from the Norm. My predecessor, Leon Panetta and NORM had a softball team called, The Sign of the Rising Pizza.

NORM has never forgotten how to give back to his community from being mayor of San Jose, serving on the board of regents at Santa Clara University, and being a member of the board of directors of Smart Valley, Inc. In Washington, he has been chair of the visitors committee for the Freer Gallery, an active member of the board of regents of the Smithsonian Institution and a member of the board of directors of the Kennedy Center.

NORM's energy, enthusiasm, wit, and compassion will be missed. His ability to explain every detail about cross country jet travel, his knowledge of the transportation industry, and his ability to know the name of everyone and introduce them is remarkable. The northern California teammates GEORGE MILLER, ANNA ESHOO, PETER STARK, TOM LANTOS, NANCY PELOSI, ZOE LOFGREN, and me will carry on in your tradition, but Congress will never be the same without you.

Good luck and goodnight but never goodbye. You have left your mark. God bless you. Thank you, NORM, for making this country a better place in which to raise our children.

Mr. TORRES. Mr. Speaker, I rise to honor NORM MINETA, a great American. In the spring of 1942, Sidney Yamaguchi, a schoolmate of mine, was absent on Monday morning at Soto Street School. The teacher informed us that Sidney was going on a long trip to Utah or Wyoming. I don't recall which State for sure.

After school I walked across the street to the Yamaguchi house to see Sidney and learn more about his move. Too late, the Yamaguchi family was gone. I never saw Sidney again. I later learned from my mother the fate of the Yamaguchi family, they had been removed to an internment camp for Japanese-Americans.

The incident had a lasting effect on me and throughout my growing up I continued to believe that our country had carried out a grave injustice to Japanese-Americans.

NORM MINETA, much like Sidney, had become a victim of President Franklin Roosevelt's Executive Order No. 9066 which gave the U.S. military authority to take action against aliens. It is important to note that while the Executive order did not mention Japanese-Americans by name, General L. DeWitt, the west coast commander recommended Japanese removal. U.S. Attorney General Biddle had already declared German and Italian citizens living here not to be considered enemy aliens.

With few days to dispose of their possessions, the Mineta family was initially removed to Santa Anita, CA, and later transferred to Heart Mountain, WY.

Those were sad and painful years for our Japanese-American citizens. Our Government was wrong to act in this way against citizens which had manifested no disloyalty, but in fact had contributed so much to the building and the defense of our Nation.

In 1945, the internment camps closed and the Japanese-Americans began the long, sad trek back to the businesses, farms, jobs, and homes they had now lost. There was never an apology, a sign of regret or an attempt of compensation for their losses.

Years after, as a Representative in Congress, I was proud to stand with my colleague, NORM MINETA, and cast a vote on H.R. 442, the bill providing redress and compensation to the many Japanese-Americans who had suffered innumerable losses during their internment. In voting along with NORM MINETA and BOB MATSUI, I felt that I was vindicating Sidney.

NORM MINETA rose to the occasion and courageously guided the critical legislation through troubled waters never relenting against the arguments that it was a money grab that would establish a terrible precedent for the United States. NORM stood in the well of the House and declared:

I realize that there are some who say that these payments are inappropriate. Liberty is priceless, they say, and you cannot put a price on freedom. That's an easy statement when you have your freedom. But to say that because constitutional rights are priceless and they really have no value at all is to turn the argument on its head. Would I sell my civil and constitutional rights for $20,000? No. But having had those rights ripped away from me, do I think I am entitled to compensation? Absolutely. We are not talking here about the wartime sacrifices that we all made to support and defend our nation. At issue here is the wholesale violation, based on race, of those very legal principles we were fighting to defend.

In the end, the legislation prevailed in large part to NORM's shaking discourse which struck the conscience of the assembled House. Days later, President Reagan sent a letter to the Speaker announcing his change of position on redress. He later signed the act and it became the law of the land. Such has been the leadership role that I remember NORM MINETA best. He stands tall in the defense of civil rights; to this he's never been a stranger. His position on the Civil Rights Act and the Wards Cove amendment reflect his passion for equality.

As the founding chair of the Congress of Asian Pacific Americans, he has become a mentor to the young men and women who follow in his political leadership footsteps.

I am proud to have served with him, to have known his family, to have shared his dreams for America.

GENERAL LEAVE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order tonight.

The SPEAKER pro tempore (Mr. SALMON). Is there objection to the request of the gentleman from California?

There was no objection.

THE DEMOCRAT PLAN IS BETTER

The SPEAKER pro tempore. The gentleman from Wisconsin [Mr. BARRETT] is recognized for 30 minutes to conclude the time designated for the minority.

Mr. BARRETT of Wisconsin. Mr. Speaker, I want to pay tribute to the gentleman from California [Mr. MINETA] too. As a newer Member I can say that the highest compliment I can pay him is that I consider him a normal person. He is a person who is very approachable, one who has treated the younger, newer Members with a lot of respect, and I think he has done a great job for this institution, and I am sorry to see him leaving this fine institution.

Mr. Speaker, I was in my office earlier tonight, and I was listening to some of the discourse on the floor here and several of my colleagues talking about the Medicare debate that is going on in the House right now, and I was listening to one of my colleagues talking about the terrible crisis, the terrible crisis we are facing in Medicare and how can the Democrats possibly ignore the crisis, that this system is falling apart, that we have to do something now, right now, to insure stability for people in this country to have health care.

Mr. Speaker, as I was listening to that debate, I thought back to my hometown of Milwaukee, and I thought

back to two older women I know in my community that I had the pleasure of working with several years ago, and there were two sisters who lived together, and they were living in the home that they had owned for many, many years, and they noticed there was some water in the basement, and they thought, "Well, we should deal with this problem. We are willing to pay the price to fix the damage of water in our basement."

So what they did was they called the contractor, and the contractor came out and said, "Yes, there is water in your basement. The foundation of your home is collapsing. We are going to have to tear down a wall and rebuild it."

Well, the two older women were on fixed incomes, and obviously they were very shook up by this news, but they wanted to do the right thing, they wanted to pay their fair share, and they wanted to have the problem solved. So they agreed to do that. They agreed to pay several thousand dollars to have the wall replaced and rebuilt.

Mr. Speaker, no sooner had these contractors ripped down and built up a new wall in the basement, than they came back to the two sisters and said, "We have got even worse news for you. Doing the one wall isn't enough. We are going to have to rip down another wall, and rebuild that one." And ultimately it became a third wall.

□ 2115

The two sisters who had water in their basement and knew they had a problem, a problem that had to be solved, were faced with basically a $10,000 bill for having three walls rebuilt in their basement.

What does that story have to do with Medicare? The reason that story is similar to Medicare is because the people in this country, and the older people in this country, recognize that there are some problems with Medicare. They are willing to pay a fair price to have the Medicare problem resolved, to fix the system, to get the water out of the basement, to make sure their home is stable. However, they are not willing to be duped by con artists who come in and tell them that their whole house is crumbling; that instead of having to pay $1,000 or $2,000 to repair a problem, they are going to have to pay $10,000 or their entire house is going to collapse, and have the contractor run away with the money and pocket it for himself or for his friends.

I think that story is very, very analogous to the debate going on in Congress right now. As this debate has unfolded, I have listened to my colleagues on the other side of the aisle talk about the problems. I have tried to listen to them and agree with them where I think they are on the mark. But what I have noticed is while they make several statements that are true and that I agree with, and I think a majority of Americans agree with, they do not tell, as Paul Harvey would say, the rest of the story. That story, or the rest of that story, is why this Republican plan is so wrong, and should be rejected by this House.

Let me start out by telling the parts of the story that are being put forth by the Republicans that I agree with. I agree that the President and his trustees have said that there are problems with the Medicare system. This is, of course, something they have said many times before, and Congress has always acted responsibly, without raising the flags and hooting and hollering and saying that the sky is falling. Congress has always addressed those problems. In fact, the trustees' report from last year says that the problem was worse than the problem this year. Of course, when the Democrats stepped to the plate to address the problem, the Republicans said they are too taking too much of a cut out of Medicare.

But now the situation is different. Now the Republicans are in control. They are saying, "Let us cut the growth." There is growth in Medicare, but they are saying, "Let us cut that growth $270 billion," and at the same time they are saying, "Let us give a $245 billion tax cut that disproportionately benefits the wealthy in this country."

I think what is going on there is very similar to the situation with the two older women with the basement. We do have some problems with Medicare. They should be fixed. They can be fixed for about $90 billion.

The other $180 billion is going to that tax cut that disproportionately benefits the wealthy in this country, and I think that is dead wrong. I think that is something that Congress should reject.

Mr. Speaker, the other place where I agree with the Republicans, and I actually had my staff check this because so many times I heard Members from the Republican Party step in this well and say, "Hey, there is growth in Medicare. We are not cutting spending. In fact," they say, "the spending per recipient is going to go from $4,700 per recipient to $6,800 in the year 2002."

The first time I heard that, I thought, "Wow, that sounds pretty good. It has gone from $4,700 per recipient to $6,080 per recipient." I actually did the math. It is a 45-percent increase. I thought, "All right, I'm not going to dispute that. I'm not going to say they are not telling the truth, because I have checked the figures and they are going to be spending 45 percent more in the year 2002 than they are in the year 1995."

However, as I talked to seniors in my district, and discussed with them this issue, their reaction was "Well, I'm not really that interested in what the spending is by the government per recipient, because that is the money that goes to physicians and hospitals and nursing homes, home health providers, groups like that. That really does not address the amount of money that I am paying out of my pocket." How much is that 68- or 69-year-old widow on a fixed income paying out of her pocket for Medicare? That is where we have to hear the rest of the story.

Let us use the 2 years that the Republicans have used in bragging about the growth in Medicare. Let us use 1995, and let us use the year 2002. Those are the 2 years that we have heard literally hundreds of times in this well talking about the growth of Medicare. Again, it is going to go from $4,700 or $4,800 to $6,080 a year, a 45-percent increase.

I have not heard a single Republican stand in this well and talk about what the premium growth is going to be over that same period. Not a single Republican has done what Paul Harvey does, and that is tell the rest of the story. Let us tell the rest of the story in terms of what the premium increases are going to be for that 68-year-old widow on a fixed income.

Right now, that senior is paying $46.10 per month. It comes out to $500 a year, somewhere around there. Under the plan that is being put forth by the majority, by the Republican Party, that amount is going to go to $90 to $93 a month, at least. We have not seen the figures. We do not know how much of a shortfall there is going to be, but we can be certain it is going to go from $46.10 a month to at least $90 to $93 a month.

Why have we not heard from the Republicans the rest of the story? Why have they not stood in the well to tell us that? The reason is obvious. The reason is because it is a 100-percent increase, that is, a 100-percent increase in the amount that senior citizens are going to pay for monthly premiums.

Again, it is important to note that I am using the same base year and the same outyear that the Republicans used when they brag about this 45-percent increase in the spending per recipient. That figure is correct, the Republicans are correct, the Government will spend 45 percent more per recipient. They are slowing the growth there. However, they are not slowing the growth as to what the recipients, what the beneficiaries, the widows in our communities, are going to be paying. So on the one hand, you see a 45-percent growth in what the Government is spending, but as far as that person who lives in the heartland, they are going to see a 100-percent increase under this plan.

Let us use the figures a little bit and talk about how that compares to the tax package. If we have a senior citizen who is paying $90 to $93 a month for their benefits under Medicare, that

comes out to just about $1,100 a year. If you are a senior citizen who is on a fixed income of $8,000 a year, and your rent is, say, $500 a month, right there you are talking $6,000. You are going to put another $1,100 for Medicare. What are they going to live on? What are they going to live on?

Traditionally what we have done is we have allowed the States to use their Medicaid dollars to supplement that, to help them pay their premiums, but that is not something we want to do in this Congress. We are not going to require them to help pay their Medicare premiums. What is even more striking to me is that this Congress, under the bill that has not yet been introduced but that is being discussed, is going to have seniors paying $1,100 a year for Medicare premiums and at the same time it is going to tell a couple with an income of $200,000, who has two dependents, that they should get a tax credit of $1,000. So we are telling the couple with $200,000 income, "You get a $1,000 tax credit," and we are telling the single widow on a fixed income, "You are now going to pay $1,100 per year for your health care premiums under Medicare."

The response, of course, probably from my colleagues on the other side, "We are just letting them pay the same percentage that they are paying now. They do not mention that under current law it is supposed to drop back down to 25 percent. They are saying, "Let us just continue and have them pay 31½ percent."

That gets to the very essence as to why we are missing the boat in health care reform. There is absolutely no attempt being made to seriously deal with those costs. It does not matter to the people who are pushing this package that the costs are going to continue to rise. They are going to slow down what the Government plans to pay for those costs, but they are not seriously going to deal with the costs. They are going to allow that gap between what the Government pays and what the individual has to pay out of their pocket to grow and grow and grow, so the providers will not want to provide the services, hospitals will not want to provide the services, seniors will have to pay more out of their pocket, and all of this is being done so we can have a $245 billion tax cut that disproportionately benefits the wealthy in this country.

Mr. Speaker, what do the American people want to have done? It is clear. The American people want the Medicare system to be working. They want to make sure that it does not fail, they want it to be fixed if there are problems, and I think we should do that. That is why the Democrats are now moving forward with their bill that will fix the problems of Medicare at the tune of $90 billion, not $270 billion, $90 billion. The reason they can do it for $90 billion, rather than $270 billion, is that they are not shaving $180 billion off. They are not building an extra two walls, if you will, or tearing down two walls in the basement that do not need to be torn down. They are solving the problem.

The other issue we have to face is when the Republicans talk about fixing the system, they are not talking about fixing the system for the baby boomers, they are talking about plugging the hole for another 5 years so the system will be flush through the year 2006.

That is exactly what the Democratic proposal that is going to be introduced later this week is also going to do. It is going to take care of the problem through the year 2006, it is going to do so without doubling the premiums that senior citizens pay, it is going to do so in a fair way.

They can do so in a fair way because it does not have this tradeoff that on the one hand says, "All right, senior citizens, in the year 2002 you are going to pay $1,100 for your health care premiums; a family with an income of $200,000 we are going to give you a $1,000 tax credit."

I would ask the people in this body to do what the American people want us to do. They want us to fix the health care system. They want us to get rid of the deficit. Those are their two major concerns. We can do both of those, we should do both of those, and we should forget about this tax cut that disproportionately benefits the wealthiest people in this country, because if we do that we can solve this problem, and we can do so without doubling the insurance premiums that the older people in this country pay each year.

THE ACCOMPLISHMENTS OF REPUBLICANS DURING THE LAST YEAR, AND THE REPUBLICAN PLAN TO SAVE MEDICARE

The SPEAKER pro tempore (Mr. SALMON). Under the Speaker's announced policy of May 12, 1995, the gentleman from North Carolina [Mr. JONES] is recognized for 60 minutes as the designee of the majority leader.

Mr. JONES. Mr. Speaker, the gentleman from Ohio [Mr. CHABOT] will be joining us, and also the gentleman from Washington [Mr. TATE], and we look forward to an hour of trying to give accurate information to those that might be viewing this 1 hour.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Speaker, I appreciate the gentleman yielding to me, and we appreciate the gentleman from North Carolina [Mr. JONES] getting the time this evening so we could talk among ourselves and talk to the American public this evening, first of all about what we accomplished in the last year, and then we would also like to go into considerable detail about the Republican plan to save Medicare.

Mr. Speaker, the interesting thing is it was 1 year ago today, as a matter of fact, that all three of us and many of our colleagues came to this city from communities all over the country. My district is the First District of Ohio, most of the city of Cincinnati, and many of the western suburban areas of Cincinnati, and I came from that area, and you gentlemen came from your districts. We came here to Washington to sign what I really believe was an historic document.

I had talked to a lot of people in my community, and I asked them, "If you were Congress, what would you do? What do you think this Congress should be about? What kind of changes would you like to see made?" I heard the same types of things, it turns out, that you gentlemen were hearing in your districts: that people thought taxes were way too high, they were sick and tired of money being spent up here in Washington so excessively that we had such a huge debt, they wanted us to balance the budget, they wanted us to reform welfare, they wanted regulatory reform, they wanted tort reform, and so many things.

So we signed a document, we put our name on the line, and we told the people of this Nation that if we had a Republican majority here in the House of Representatives, where we are tonight, if we had a majority of Republicans in the House within the first 100 days, the first 100 days of us being here, we would have an open debate on the floor of this room we are in right now and a vote on 10 specific items.

The interesting thing is a lot of people thought, "Maybe that is just politicians' talk, and they never really carry out their promises," but we kept our promises. We did what we said we were going to do, we had an open debate and a vote on the floor of this House on all those items within the first 100 days. In fact, we did it within 93 days.

□ 2130

Most of those items, all but one, passed in the House. I think it was one of the most proud times I have had in my whole life, was actually carrying out the promises that we made to the people back home. I think probably what would be a good thing for us to do is to discuss specifically what those items were we did, first of all, since it was exactly 1 year ago today that we made that promise, and how in the first 100 days we kept those promises. So perhaps the gentleman from North Carolina [Mr. JONES] might want to take over from there and discuss those promises that we kept.

Mr. JONES. I appreciate that, Mr. CHABOT, and I am delighted to take just a couple of minutes to add to what the gentleman from Ohio, Mr. CHABOT, said, and I am sure that the gentleman

from the State of Washington, Mr. TATE, will also join in.

I think the Contract With America set a new direction for campaigns in this country, because for the first time in memory we had a political party that said, we will put into writing what we are willing to do if you give us the privilege and the honor to become the majority in the U.S. House of Representatives.

As the gentleman said, we promised the American people that we would get 10 major items to the floor of the House for debate and a vote. I want to remind those that are watching tonight that the 10 items came from extensive polling nationally by the Republican party to find out what issues were at the foremost on the American citizen's minds, and certainly there are more concerns than just these 10. The majority felt that these 10 items must be addressed, and I will just touch on 2 or 3 and let the gentleman from Washington [Mr. TATE] touch on a few others, and then the gentleman from Ohio [Mr. CHABOT].

Mr. Speaker, obviously, balancing the budget and a line-item veto for the President were two of the issues that the majority of the people said we must deal with; especially balancing the budget. The budget today is about $4.9 trillion in debt. That is growing by the moment. We are talking about a child born this year in our country, the first breath he or she takes as a newborn, they owe $187,000 in taxes, and that is because the Congress has not been responsible in trying to balance the budget.

So the Republican Party, the new majority promised in the Contract With America that, if elected, the majority would, by the year 2002, have a balanced budget. That means we would be the first Congress in about 23 or 24 years that would balance the budget. That does not mean we get to a zero debt. We need to balance the budget every year for the next 25 years after 2002 to get a zero debt, but that is the importance of having a balanced budget amendment.

We passed a balanced budget amendment on the floor of the House, and we did have help from conservative Democrats that joined us, meaning the Republican majority, to pass the balanced budget amendment. Mr. Speaker, as you know, it is still over on the Senate side. They seem to be one vote short, and we certainly hope that they will come up with that one vote, because I think it is absolutely necessary, as do the American people, that we have a balanced budget amendment.

Mr. CHABOT. Mr. Speaker, will the gentleman yield?

Mr. JONES. I yield to the gentleman from Ohio.

Mr. CHABOT. Mr. Speaker, if I could just mention one thing in followup on that, even though they still need one more vote over in the Senate to actually pass a balanced budget amendment to put it into the Constitution, nonetheless, we in this House passed the first balanced budget resolution in about 30 years. So the budget that we are acting on right now, the spending up here in Washington that goes all over the country and is spent for services here in Washington, this is a balanced budget resolution, and it will put us in balance over the next 7 years. Some of us voted to do that even quicker. I voted to do it in 5 years.

The President has come around to some degree. He is now talking at least about 10 years. So we are heading in the right direction, but even though the balanced budget amendment did not pass, unfortunately, we are still pushing to balance this budget and we are dedicated to doing that.

I would like at this time to yield to the gentleman from the State of Washington [Mr. TATE].

Mr. TATE. I would like to thank the gentleman from Ohio and the gentleman from North Carolina. It has been a privilege to serve with both of the gentlemen, and when we were all back here together, as you stated, on September 27, 1994, when we all came back here and signed the Contract With America, we did not sign it with any particular leader. When I signed it, I signed it for the people back in my district.

These are the issues that I heard about over and over and over again, as I went door to door through my district. In Burien, which is the northern part of my district, down through Tacoma and down into Thurston County, I heard people talk over and over again about how politicians keep making promises and then something changes the day after election. They always change. That is why I thought the contract was so important, because we said, if we do not do what we say, kick us out.

Mr. Speaker, we did exactly what we said, starting on day one. We spent 14 hours, 14 hours on January 4, that seems like years ago now, because of the many issues that we have worked on, but 14 hours on the House floor in passing the kind of reforms that have reformed our own house.

I believe very strongly that if you are going to tell other people what to do, you better get your own house in order first, and we passed the law that Congress follow the same laws that apply to every other American, retroactively. That is so important. There are so many reforms that Congress passes and then says, sorry, I do not want to live by those laws. Well, no longer. We are changing that. I am hoping we can review some of those laws and maybe Congress will not be so quick to pass laws that we now have to live under.

We also passed the committee structure, eliminating some of the staff in this place, learning to do more with less. We also made changes, for example, requiring hearings now to be in public. Now, there is a novel concept. If you are going to have a hearing and you are going to raise taxes, it should be in public. It is called the sunshine law and I have been told many times that the best disinfectant is a little bit of sunshine.

I think we are getting our own house in order here in Congress, actually requiring Members to be in committee to vote, because for years, Congressmen did not have to be in committee to vote, and they did not have to live by the same laws as every other American. So those are the kinds of reforms that require us to get our own house in order.

I think we have to lead by example. There are many changes that need to occur. The thing that is exciting to me is we brought up every one of these items for a vote. Some, like term limits which were never allowed, ever, in the history of the United States on this floor to even be voted on. We can argue for and against the merits of term limits, but by gosh, they should at least have an opportunity to have a vote on the floor. That is what we did on three or four different versions, if my memory serves me well.

So we have kept our contract; promises made, promises kept, the ones we made 1 year ago on the Capitol steps, we have kept the faith with the American people.

Mr. CHABOT. Mr. Speaker, relative to term limits, a couple of things I would like to point out, as the gentleman mentioned, in reforming Congress itself.

On the very first day of Congress, we passed term limits for committee chairmen, and the reason that is important, one of the main problems up here in Washington and in the Congress is we have some of these old bulls, these committee chairmen that have been in power for decades, sometimes, and their power was sometimes corrupting, and oftentimes just not healthy for the system. So we passed term limits for committee chairmen of 6 years, and after 6 years they can no longer be chairman of that committee.

Relative to term limits for all of Congress, the reason that it did not pass in the House is because it was a constitutional amendment, and therefore, we needed two-thirds, not just 50 percent of this body to vote for it, but two-thirds of this House to vote for term limits.

Now, we got 85 percent of the Republican Members of Congress to vote for term limits, 85 percent of us did. Unfortunately, 82 percent of our democratic colleagues in Congress voted against term limits, and that is why that failed in the House. The Speaker, NEWT GINGRICH, has indicated the very first bill that will be introduced in the House,

assuming we have a Republican majority next time and therefore we have a Republican speaker, will be term limits, once again, and if we have more folks that support term limits, hopefully we will be able to pass it next time.

Mr. JONES. Mr. Speaker, I would like to add to something that the gentleman from Washington said about the first day that I think is unique, and really I think said to the American people, we did hear you, we heard you clearly.

In addition to what the gentleman from Washington said, that very first day, the first 12 hours, in addition to the reforms that the gentleman from Ohio and the gentleman from Washington [Mr. TATE] mentioned, we saved the taxpayers $72 million in the very first 12 hours. We did it, as the gentleman from Washington said, by reducing the committee staffs by one-third, saving roughly $67 million. A lot of people did not know this, but in the past, the caucuses that we have within the House of Representatives, those caucuses were being paid for by the taxpayers to the tune of about $5 million. So the first 12 hours of the first day of the new Republican Congress, we saved the taxpayers $72 million in addition to the reforms that Mr. TATE and Mr. CHABOT mentioned.

Mr. CHABOT. Mr. Speaker, if the gentleman would yield, I think that is an excellent point. Another thing we did, and I am sure that the gentlemen remember this very well. I remember I had my little son, who is 6 years old now, he was 5 years old at the time, sitting in a chair right over there, the day we got sworn in, and that was around noon, and we were here until 1 or 2 o'clock in the morning, because we had promised that we would take action on all of these items the very first day.

To give credit where it is due, many of our colleagues, many of the Democrats on the other side of the aisle, joined us in these reforms the very first day. One of the most important reforms we made the first day, I think, is the fact that we made it tougher than ever for Congress again to raise taxes on the American public, because as the gentleman from Washington mentioned, when he was going around his district, he kept hearing people saying the same thing: balance the budget and cut taxes. It has been too easy to raise taxes on people, so from now on, rather than a simple majority, 50 percent plus one to raise taxes, we have to have 60 percent of this body to ever raise taxes again. That will make it tougher to raise taxes, and that is the way it ought to be.

Mr. TATE. Mr. Speaker, if the gentleman from North Carolina will yield, a couple of points I would like to make. One of the things that I was involved with is the Barton-Hyde-Tate constitutional amendment. We changed on day one in our own rules that we wanted to live by, regardless if we had a constitutional amendment, but we had a vote, and it came close, we still had a vast majority of the Republicans voting in favor, making it more difficult, a 60-percent majority, required to raise taxes. It should not be easy for the government to take my money. And that one failed, but it was close.

The Speaker has promised that next year on April 15, or 16, I think April 15 falls on a Sunday, but around tax day, we are going to bring that up for a vote again, and one more opportunity for that commitment, promises made, promises kept.

Another important part of the contract is we reduced the tax burden. In 1993 the Clinton administration raised taxes. We cut taxes. I guess I am not apologetic for giving people back their own money. What we are saying is, we are not going to take as much so you can spend it on your family to pay for your health care, for your clothes, for your trip to Disney Land, whatever your family needs, and that is a huge change, letting people control their own money, even before it gets to Washington, DC, and that is what excites me about the Contract With America.

Mr. CHABOT. Mr. Speaker, I think the gentleman from Washington makes some excellent points, and relative to balancing the budget and taxes, there were many of our critics whom we remember when we were running last year, and I kept saying, I want to balance the budget, I do not want to raise taxes. I had some of the folks in the press, and my opponent, over and over again, and many of our critics said, you cannot possibly balance the budget without raising taxes. Well, we proved them wrong.

We absolutely have to balance this budget. It is immoral to continue to spend and spend and spend the people of America's money up here in Washington and turn that debt over to our children. It is immoral to continue to do that. So we are going to balance the budget, but we are not going to balance the budget by raising taxes. We are going to balance this budget by cutting spending. That was our commitment, that is what we are going to do.

Mr. JONES. Mr. Speaker, I represent the third district in North Carolina, which is the coastal area of the eastern part of the State. During the campaign for Congress, and again as the gentleman from Ohio and the gentleman from Washington said, I used the contract with every civic club I had a chance to speak to. Every time I had a chance to meet with any group or any individual, I talked about the Contract With America.

So many times I would hear from working men and women, we cannot afford more taxes. We cannot afford this government to continue to grow on our backs as we are working two jobs, in many cases. This came to me in conversation with an individual: I am working two jobs, my wife is working two jobs, we are doing the best we can, but we see that the harder we work, the further we get behind.

The reason for that, and I appreciate the gentleman from Ohio talking about the fact of balancing the budget without raising taxes. In this country today, the average working family would spend more on paying taxes than that same average working family would spend on clothing, housing or food. How can they ever realize the American dream when they work more and longer hours, they pay more in taxes? That is not what this country should be about, and again, I think that is another reason why we have the opportunity and the privilege that we have to make the changes in this country that the American people would like to see made.

□ 2145

Mr. TATE. I think the gentleman from North Carolina hits a salient point by talking about the tax burden. Because as we finished the Contract With America, May 6 was Tax Freedom Day. If you add up all the State and local and Federal taxes, you have to work now until April 6 before you start earning your own money.

If you add in all the Federal regulations and State regulations and county regulations and city regulations and all the taxes, you have to work until the middle of July before you start earning your own money. You have to work almost half a year before you get to keep some of your own money to spend on your family, to pay for your education, as I stated before.

I think that what we are doing is reducing that burden, allowing people to keep more of their own money, to make more of their own decisions at home instead of some bureaucrat that fills some building here on the Potomac telling the people in the towns in my district where these bureaucrats do not even know where they are, they cannot even pronounce it, yet they are taking their money and making their decisions for them.

I would rather keep it at home and let them make their decisions. That is the difference in this freshman class and this new Congress, is we are allowing the people to make their own decisions, letting States make the decisions, not bureaucrats, empowering people.

Mr. CHABOT. The problem and the reason that previous Congresses and the folks in control of this House for the past 40 years were unable to balance the budget is they really had it all wrong. The way they looked at things is not that the government overspent. They thought that the people of this country were just undertaxed. We

think just the opposite. The problem is not that people pay too few taxes. It is just that they overspend up here in Washington.

When we talk about the tax burden, I think it is important that we look at the trend that has happened in this country. I was born in 1953. Right around that time, in the early 1950's, the average American family sent about 5 percent of what they earn up here to Washington in the form of taxes. That has increased over the past 40 years to about 25 percent, from 5 percent to 25 percent of what the average American family earns comes up here to Washington in the form of taxes.

If you add into that city taxes and county taxes and State taxes and Social Security taxes and real estate taxes and property taxes, and God knows what all the taxes we all pay every day, the average American family now pays 40 to 50 percent of what they earn in one form of taxes or another.

The folks on the other side of the aisle, the liberals in this institution, keep attacking us on a daily basis, saying, oh, well, we are just trying to give tax cuts to the rich. That could not be further from the truth. Seventy-five percent of the tax cuts that we passed this year go to people who earn under $75,000. Things like a $500 tax credit per child for families. Those are the types of taxes that we really need to encourage. Capital gains taxes, so that businesses can create more jobs, so rather than people being on welfare, people are working. Those are the types of positive changes that this Republican majority who now controls the House has been trying to enact.

Mr. JONES. I want to add to that list. The gentleman is absolutely right. When we can help working families with children, that is the right thing to do. The other side, I certainly do not criticize them, even though I do not agree with them, but certainly in my opinion, they are out of touch with the working man and woman in this country.

You listed some of the changes that we want to see as it relates to taxes. I was pleased this past couple of weeks, the gentleman from California [Mr. COX], a Republican, one of the young leaders in this House of Representatives, introduced a bill to repeal the inheritance tax. I do not know about your State and your district, but I can tell you that in my district, eastern North Carolina, the people of my district think one of the most unfair taxes, maybe the most unfair tax is the inheritance tax. When a man, a women has worked all their life, paid taxes all their life, to accumulate and hopefully leave something to their child or their children and then the children have to pay taxes on it. I want to commend the gentleman from California [Mr. COX] and the new Republican leadership for being willing to at least get this debate started on repealing the inheritance tax. There are so many good things that we are doing.

Mr. CHABOT. That is, I think, an excellent point. What we have seen across the country is, for example, when you have had a family who has owned a farm, and wants to pass that farm on to the next generation, either their sons or their daughters, to run that farm, they have oftentimes been unable to do so because of the exorbitant inheritance taxes. In essence they have had to sell the farm in order to pay their taxes. That is not fair to that family and it is certainly not healthy to our agricultural communities across this country.

We have had the same problem with small business owners, somebody owns a business and they want to pass that business on to the next generation. Sometimes the businesses get sold down the river to pay the taxes. What happens to those people that worked there, the employees? Many, many people get hurt besides just the business owner and his family.

I agree very much with the proposal of the gentleman from California [Mr. COX] to try to reform the inheritance tax system in this country because it has been very, very unfortunate what it has done in many instances.

Mr. TATE. I agree 100 percent in what you are doing on that particular issue. Another part of our tax proposal that helps people in their retirement years, some of the things we do for senior citizens. We have heard a lot about Medicare and the so-called tax cuts for the rich. I do not know what their definition happens to be, anybody who has a job, anybody who pays taxes must be considered the rich, because we are tying to provide as much tax relief as we possibly can for working Americans.

One of the things I think gets overlooked, especially in the House proposal, is in 1993, Clinton raised taxes on senior citizens, especially under their Social Security benefits by 70 percent. Where I come from, 70 percent is a huge increase in your taxes. What we did is we are repealing that under the House proposal, allowing senior citizens under our House proposal to work longer, under our Contract With America.

Right now if you make over $11,000 a year and you are on Social Security, you start losing your Social Security benefits. That does not make any sense. If people want to work, they should be able to. They should not be punished for working. We allow them to make up to $30,000 a year. We allow them, one provision I have listed here is provides tax incentives to encourage individuals to purchase and employers to offer long-term care coverage.

These are the kind of things that seniors are concerned about. We also provide incentives for working families if they want to purchase a home or post-secondary education or medical expenses. Those were all part of the Contract With America that the Members out here voted for. Those are those so-called tax cuts for the rich we always hear about are really the working Americans that live in all our districts that we go home and see every weekend, we have town halls with, we run into at the grocery store. Those are the people we are trying to help. I think we are straight forward. There are a lot of attacks. But I wanted to get the truth out on the tax cuts we have passed on the floor of the House.

Mr. JONES. Just a couple of other points with the Contract With America. The American people want to see a real true welfare reform bill. They want to see the Congress strengthen our military defenses so that we are adequately prepared to protect this Nation. I want to touch on that just a moment because I am on National Security, and I also have 3 bases that are in my district.

For the past few years, the Congress in passing the Department of Defense budget, many times in that Department of Defense budget were allocations for nondefense items. I want to touch on that just a moment.

Between 1990 and 1993, the GAO, the General Accounting Office, said that the Department of Defense budget between 1990 and 1993, $10.4 billion in those 3 years went to nondefense spending. As the new Republican majority in our Contract With America, we have established a fire wall, so that no dollars under the Republican leadership that are going to the defenses of this Nation can be used for nondefense items. I think that is extremely important, because quite frankly over the past few years, our defenses have not gotten what they need to protect this Nation.

I think that is just one of many items in our Contract With America, to help strengthen our defenses. I just wanted to mention that.

Mr. CHABOT. I believe the gentleman makes some very important points about our defense. Another item that you mentioned was welfare reform.

This was one of the things that I saw up front and very close in my community in the city of Cincinnati. I was on the Cincinnati City Council for 5 years and I was a Hamilton County commissioner in Cincinnati for 5 years.

One of the greatest problems, one of the most frustrating things that I saw was how destructive the welfare system was in Cincinnati. I am sure that was repeated all over this country. We passed, I believe, a very positive welfare reform package in the House earlier this year. I think, and I have heard again some of the folks on the other

side attacked us as being mean-spirited, not caring about the poor, because we were trying to change welfare. But I would argue that there was nothing more mean-spirited, nothing more corrupting, nothing more damaging to children in this country than the present welfare system, which basically for many years has encouraged families to break up, has encouraged fathers not to live in the home but to go away from the home, not to support their own kids. Kids all over this country grow up in homes where they never see an adult go to work. They then fall into that same pattern of behavior.

Our plan emphasizes work. It gives job training, it gives job opportunities and basically assists people into getting into work in the private sector, not some government make-work-type jobs but jobs in the private sector. We have got to get people working, supporting themselves and supporting their own families.

I would argue it is really not fair to require other families that oftentimes both the mother and the father have to work, sometimes work two jobs to support their own kids, and then they get their money taken and sent here to Washington and sent to folks on welfare who for the most part ought to be supporting themselves and supporting their own children.

I am all for helping the truly needy, but too often welfare in this country has become a permanent way of life, generation after generation after generation on welfare.

I think our plan was a step in the right direction, requiring people to work, and support their own children, and emphasizing families staying together. That is the direction we should be heading.

Mr. JONES. Am I correct, and please correct me, the gentleman from Ohio as well as the gentleman from Washington, I believe I have seen or read that since the beginning of the Great Society in the mid 1960's, this Nation has spent over $5 trillion on welfare-type programs.

Mr. CHABOT. That is exactly right. It is interesting that that $5 trillion is almost the same amount as our national debt right now, of which 14 cents of every dollar that comes up here to Washington just goes to pay the interest on that debt. We have spent a tremendous amount of money on welfare. Most of that money I would argue has been counterproductive and just has not worked. Most of that money, the explosion in the spending started back in the 1960's during Lyndon Johnson's Great Society. I think the intentions were good but the results have been tragic for this country.

Mr. TATE. I would agree that we have spent over $5 trillion, that is with a T, trillion since the 1960's. But even more important than the money, more than the $5 trillion, if you added up the human toll that these problems have really caused for many Americans. It has spread the wrong kind of dependence.

It is a system that to me you subsidize, I have heard many times, subsidize what you want more of and tax what you want less of. What we have done is subsidize irresponsible behavior. If you have more and more children and you are not responsible, we are going to give you more and more money under the current plan.

We are trying to encourage people to be more responsible, requiring people to work. I can tell you there is no better self-esteem or social program than someone having a job, someone feeling the pride in getting up every day and going to work. If we want to help people, let us teach them to work, not just teach them, "If I stay home, I'll get a check." That does not teach people the right kind of thing. Let us get them a job. It helps them to be accountable to the taxpayer as well and to themselves. So we break that cycle of dependence, we give them the self-esteem that a job brings, we hold them to be responsible for their action because we are not going to subsidize irresponsible behavior and we give States the flexibility to come up with plans that work.

Because I can tell you, south Tacoma is a lot different than the south Bronx or South Dakota. We need plans that fit those local neighborhoods.

Mr. JONES. Is it true that the President, President Clinton as a candidate for the presidency campaigned and said he is going to insist that we have welfare reform, he is going to see that welfare reform takes place, and I sincerely believe, I do not know if you would agree or not, that had it not been for the American people electing a Republican majority in the House and the Senate, I doubt we would have welfare reform which today we have on the House and Senate side, we are passing a major welfare reform bill.

Mr. TATE. The gentleman is exactly right. The President actually campaigned, and I hope I got the quote exactly right, to end welfare as we know it. Basically the plans that we have seen from the administration have been to tinker with welfare as we know it. Window dressing, maybe a fresh coat of paint, call it Workfare, but it is basically the same old packaged plan. We are trying to come up with a plan that transforms, gets people out of that cycle of dependency, out of the system that really brings them down and trying to change the system.

□ 2200

I believe the Democrats controlled the White House, the Senate, and the House of Representatives for 2 years, and I do not remember any welfare proposals passing. But we have been able, and some people can agree or disagree with the proposal or the fine print, we have come up with a plan that I think transforms the welfare system and really gives people the hand up they really need instead of just a handout that traps them there.

Mr. CHABOT. Moving along with the items in the Contract With America that we passed in the House this year, another item that I think was very important was we rewrote the so-called crime bill that was passed in this House last year. I think we would all agree that crime in this country is far too high, the fact that people, oftentimes many of our senior citizens, are prisoners in their own homes, cannot take a walk on the street because they are worried about being mugged or being raped or something just awful happening; I mean, it is a crime itself that that level of crime has been able to go on all of these days, and much of it is linked to the drug problems that we have, much of it is linked to the fact that kids do not have appropriate parental supervision at home. They hang out on the street corners. They get involved in crack dealing and shoot each other, and it is just a mess.

So, unfortunately, the crime bill that was passed last time I do not think did much good. There were a lot of social programs in there. There was midnight basketball and many of us, in talking with the people in our districts last time when we were running, heard over and over again, "We want a real crime bill. We want something that is really going to battle crime in this Nation and not just have some feel-good legislation that makes people think something happened." So we passed, I think, a very, very good, comprehensive crime bill earlier this year. It gave flexibility to the States to determine what really worked in those particular communities. If midnight basketball works in a community, that is something they can have an option to do. Other communities may choose to do something entirely different. It required truth-in-sentencing where, if you have a violent criminal, they are going to be locked up because when they are behind bars, they are not out on the streets preying on the public.

It toughened the death penalty in this country. I firmly believe in the death penalty. Most of the people in this country believe in the death penalty. There are some people that have just a moral feeling about it. They do not agree. That is fine. It is a free country. We can have both sides of the issue. We do have a death penalty in most States. The problem with the death penalty, and some people argue it is not a deterrent, the poor deterrence is the fact of the way we handle the death penalty in this country. We let people sit in death row for 15 years, 16 years. We need a short appeals process, and then the death penalty, I believe, should be carried out. Then I think it would be a deterrent. That is

one of the things this crime bill did. It shortened the death penalty appeals process. I think we need to go even further in that area. It was certainly a step in the right direction.

The levels of crime has gotten far too high in this country. We are actually doing something about that finally in this House.

Mr. TATE. I want to commend the gentleman for his work on the Committee on the Judiciary on these issues. I remember the gentleman speaking several times on the floor trying to toughen the legislation, and I think the gentleman should be commended. He hit it right on the nose: Block grants, once again letting the cities and States decide how the money should be spent. Instead of mandating what I call hug-a-thug social programs down on to local governments, we are going to let the local governments come up with their own plans, community policing, more police, more equipment, whatever they need. Every community is different. Cincinnati is probably different than Seattle. The cities in North Carolina are different than the city of Tacoma.

Mr. CHABOT. We have a better baseball team.

Mr. TATE. I would have to dispute the gentleman from Ohio on that particular phrase. That was not part of the contract.

But I appreciate his comments. But once again, truth-in-sentencing, you hit it on the nose. If someone is caught and convicted and sentenced, should they not serve at least 85 percent of their sentence? Once again, we want to bring credibility back to our system, whether it be in our own House as we pass reforms, or in our justice system to make sure we truly have a justice system, not just a legal system. We want to make sure there is some justice in our system where, if you commit a crime against society or against an individual, you ought to serve time.

Mr. CHABOT. The gentleman mentioned I am on the Committee on the Judiciary. A couple of the other things in the contract, many of the items passed through the Committee on the Judiciary, so we had our hands full in that earlier 100 days. Tort reform, for example, was something passed through the Committee on the Judiciary.

We had a lottery system in this country where trial lawyers oftentimes benefited, made tremendous amounts of money. It is arguable whether the people that got hurt got very much at all. We wanted to change the lottery system.

There was a case in New York City, for example, that gives you an example of what was wrong with the system. There was a case where a homeless person decided to commit suicide, threw himself in front of a subway train. He was unsuccessful. He did not die, but he was injured seriously. He turned around and sued the city of New York, and he won, and that just shows one of the ridiculous types of cases that, under the existing laws, happened.

Another case a lot of people have heard about is the lady who spilled coffee on herself at McDonald's Restaurant, turns around and sues McDonald's and gets a multimillion-dollar verdict. It was reduced somewhat to the hundreds of thousands, but we all pay for higher insurance premiums, and we need to have a system that, rather than just lawyers making out, we need for people who have really been injured and people who need justice to be able to get fair and equal justice under the system, and that is what our bill attempted to do.

Mr. JONES. If the gentleman will yield to touch on another subject or item in the Contract With America, and the gentleman or the gentleman from Washington [Mr. TATE] might speak to this, that we had legislation that would strengthen families by giving greater control to parents as it related to education. We also strengthened the child support programs so that the fathers that were not meeting their responsibilities of being a father in a divorce situation, that they would have come up with the money to support that child and also we got tough with child pornography. I believe that these were part of the Contract With America and, generically speaking, some of the areas that we spoke to in our legislation, again, what the American public wanted to see.

Mr. CHABOT. Those are very good issues, points, and things that we certainly made progress in.

One of those things which is near and dear to my heart is the area of education. The gentleman from Florida [Mr. SCARBOROUGH] and I are cochairmen of a group that has been trying to get rid of the Federal Department of Education up here in Washington, so that instead of bureaucrats making the decision about how our kids are going to be educated, we let parents and teachers and local school boards determine how the money ought to be sent and how the education ought to be carried out and what books they ought to have instead of some nameless, faceless bureaucrat up here in Washington, and we would save billions of dollars in the process.

Mr. TATE. Is there anyone that sits in that big building out there, I think on Independence Avenue, in the Department of Education, anybody in that building teach anywhere in the district of Ohio that you represent?

Mr. CHABOT. The gentleman has got me stumped. I cannot guarantee that there is not somebody in there.

Mr. TATE. I can tell you I do not know of anybody there that teaches anywhere in the Ninth District of Washington. That is our point, once again these are people, good family people that work there. They do not know the families in my district. So why are they making decisions? I think you made a good point.

Mr. CHABOT. The bill that we have sponsored up here is called the Back to Basics Education Act, and we have 111 cosponsors, meaning that 111 Members of this body have indicated they support this legislation. Again, what it does is it takes the power away from the bureaucrats up here in Washington and gives it back to the folks at the local level, parents, teachers, and local school boards.

Education is a very, very important issue with me. I am a former schoolteacher. I taught in an urban school in downtown Cincinnati and taught the seventh and eighth grades. In fact, my daughter is in the eighth grade this year, so I can identify very much with her and the kids we taught and why this particular bill is so important to the education of children all over this country.

It saves money, too, which is important to the taxpayers.

Mr. JONES. If the gentleman will yield, I join you and the gentleman from Florida [Mr. SCARBOROUGH] in your efforts. I think I am a cosponsor of the bill, and I join you in looking at the possibility of downsizing or totally eliminating the Department of Education. I could not agree more, having served in the North Carolina General Assembly for 10 years; I know the States can do a better job of working with the counties, working with the teachers and the parents in the counties and throughout the State, of doing a better job of educating our young people than the Federal Government can.

Mr. CHABOT. What we have done thus far this evening is we have kind of talked about what we did during the first 100 days, and the time after that, the Contract With America, what we passed, what we still have to do. We are in September now. We have got a few more months left in this year, and at this time we are setting the budget for next year and we are in very significant times for the future of this Congress and the future of this country, and I think what might be helpful at this time is to show what are the most important issues right now that we have facing us and perhaps discuss those.

I have here a chart which shows four of the issues, and perhaps one of my colleagues might like to indicate what we see here and what the significance of these issues is.

Mr. TATE. The thing that really strikes me is if we just passed just one of those this year, this would be a truly historic Congress. If we just balanced the budget for the first time since 1969, we could go home and say we have accomplished something, that is goal No. 1, in 7 years, and as the gentleman

from North Carolina stated, a child born today will have $187,150 in taxes that they will have to pay in their lifetime just to the Federal Government just to finance the national debt, not to pay it off, but to finance it.

Mr. CHABOT. Why do we not drop down to the third item and maybe come up to the second item last?

Mr. TATE. Under welfare reform, as we talked earlier, I mean, truly historic as well. If we come up with welfare reform between now and the rest of the year, one has passed the House, one has passed the Senate, we are going to work out the differences and some fine-tuning to do between now and the middle of November, come up with plans to give States more flexibility, come up with plans to truly break the cycle of dependency.

The fourth item on there is providing tax relief for working families and job creation, giving more working families money back to them, creating jobs so those people on welfare will not be stuck in a cycle of dependency but will have a job that pays good wages, that gets the engine of the economy going, which is small business.

Mr. CHABOT. The four items that we have up here are the important issues we still have facing us this year, the ones we really want to accomplish, the ones we will not back down on, we will not blink on, we will not flinch on in dealing with the President, things that absolutely have to be done for the future of this country.

The next item that we want to talk about now, for the balance of the time that we have left this evening, is the fact that we have to save Medicare from bankruptcy, and that is the issue that I think is so important that we are going to spend the rest of the time that we have here this evening discussing how we are going to save Medicare and why it is so critically important.

I think the way we want to start out here is that, first of all, I think most people around the country realize now that Medicare is in serious trouble, and Medicare's own trustees, including the Clinton administration Cabinet secretaries, Donna Shalala, Robert Rubin, and Robert Reich, have indicated that Medicare starts losing money next year and goes bankrupt in the year 2002. So that is what this next chart here indicates.

This is the conclusion of the Medicare trustees. This was in April of 1995. Again, I want to emphasize that three of these trustees, these are not Republican Members of Congress, they are not our staff people. These are President Clinton's top Cabinet officials, Donna Shalala, Robert Rubin, and Robert Reich, and what it says here, "The fund is projected to be exhausted in 2001." By funds, they are talking about Medicare funds. The funds will be exhausted in the year 2001.

Here are their signatures. Here are their names right down here.

Mr. JONES. If the gentleman will yield, is it not correct that 1996 will be the first year that there will be more money going out of the fund than coming in, and, for an example, what we are talking about is $1 billion more going out of the fund in 1996 than coming in?

Mr. CHABOT. That is one of the scary things, that it goes bankrupt in 7 years, but it starts losing money next year, and this has not happened before. This is the first time in history it goes completely bankrupt in the next 7 years.

I would argue very strongly that it would be immoral for us to let that happen. My mom and dad, you know, are on Medicare. They receive the benefits. Many of our relatives do. People in my district do, thousands and thousands of people. It is something that they paid into. It is something that was sacred, that the Government basically made a contract with them just like we made a contract with America this year.

I think it is our responsibility, as Members of Congress, to not let Medicare go bankrupt. We have to save it. We have to preserve it. We have to protect it for the seniors now, for this generation and for future generations. That is absolutely critical.

Mr. TATE. If the gentleman will yield, I could not agree more. This is to me, to sit back and do nothing is the absolute worst thing we could do. We cannot just bury our heads in the sand. We cannot just say, "I wish it would go away." That is not the way things work.

We are elected to be responsible. We are elected to save programs that the public believes are important and come up with ways to save it.

I happen to have a copy of the summary right here, "Status of social security and Medicare programs," and it clearly states the HI, the hospital insurance fund, which pays for hospital bills, continues to be severely out of balance and is projected to be exhausted in about 7 years.

□ 2215

I mean that is about as clear as it gets. It is projected to be exhausted in 7 years.

I guess I cannot look at the grandparents, the retired folks in my district, the people that depend on Medicare, in the face and say, "I'm sorry. I'm not going to do anything. I hope it goes away."

I mean we have to do something. We cannot afford not to. We have a moral responsibility, a moral imperative, to do something, and I just appreciate the gentleman bringing this issue out tonight because I can think of no more important issue than keeping what I call the original Contract With America, a contract from one generation to the next to help our seniors, and, boy, I would do everything I can to preserve, protect, and strengthen it, and that is what our program is all about.

Mr. CHABOT. Mr. Speaker, I think one thing that we absolutely should make clear is that although some of the folks who want to scare senior citizens across this country are talking about us cutting Medicare, that could not be further from the truth. What we are talking about doing is increasing the spending on Medicare, but at a slower rate. Right now in the private sector medical care has been increasing at about 5 percent, 6 percent, thereabouts, a year. Medicare has been going up 10 percent, 11 percent a year, so just about double what it has been in the private sector.

So what we have to do is we have to slow the growth of Medicare so it is more consistent with what is going on in the private sector so that we can save Medicare, and in fact the dollars in our plan go up, and I will give you the dollar amounts. Right now for every senior in this country on average, Mr. Speaker, we spend $4,800. The U.S. Government spends $4,800 on Medicare per senior citizen this year. Under our plan over that 7 years' period of time it will go from $4,800 up to $6,700, and that is more than the rate of inflation every year. So we are talking about increasing spending from $4,800 to $6,700.

Now, Mr. Speaker, I say to my colleagues, that ain't a cut, and even up here in Washington when oftentimes folks on the other side of the aisle are trying to scare seniors and trying to mislead, that is not a cut, it is an increase, and that's the way we have to save Medicare.

Mr. JONES. Mr. Speaker, I want to touch on something the gentleman is going to touch on in a second. I just want to read a paragraph to him and the gentleman from Washington that is in the Washington Post dated September 15, Friday, and I do not think any one of us could say that the Washington Post is pro-Republican philosophy. So, therefore, I think it is worthy that I should read this to you and those that might be viewing. It says:

> Newt Gingrich and Bob Dole accused the Democrats and their allies yesterday of conducting a campaign based on distortion and fear to block the cuts in projected Medicare spending that are the core of the Republican effort to balance the budget in the next seven years. They're right; that's precisely what the Democrats are doing—it's pretty much all they're doing—and it's crummy stuff.

This is from the Washington Post, September 15, and I read that because of what you just said. I want to share with you and the gentleman from Washington [Mr. TATE] that back in my district we are basically a rural district. Many of the senior citizens are so dependent on Medicare, and I can honestly tell you that right now they believe that we are sincere, that we are

going to do what has to be done to preserve, protect, and strengthen the Medicare for our senior citizens, and I can tell you even though the other side, and not everybody on the other side, but some, are trying to scare the senior citizens in my district, it is not working.

I yield to the gentleman from Ohio.

Mr. CHABOT. You have mentioned the Washington Post. I have a couple of articles here. This is exact wording from the Washington Post here, and I would just like to refer to a couple of these things, what the Post has to say about the Democrats' mediscare campaign. This is an exact quote from the Washington Post:

They have no plan. Mr. Gephardt says they can't offer one because the Republicans would simply pocket the money to finance their tax cut. It's the perfect defense. The Democrats can't do the right thing because the Republicans would then do the wrong one. But that has nothing to do with Medicare. The Democrats have fabricated the Medicare tax cut connection because it is useful politically. It allows them to attack and to duck responsibility, both at the same time. We think it is wrong.

This is the Washington Post.

Mr. JONES. Mr. Speaker, I would like to ask the gentleman from Washington because in this display of distortion by the other side, and again not talking about every individual, but talking about the—those of a very liberal nature that are not willing to address this every serious problem facing Medicare in the future. Congressman TATE, is it not true that the other side has been running some very distorted, unfair ads in your district pointed at you?

Mr. TATE. Mr. Speaker, I wish I could say that was not so, but, you know what? It is. In face, they have purchased about $85,000 over the last week or so, running ads on television, running advertising on the radio, having Medicare vans going through the district.

The amazing thing is these same organizations are also people that receive grants from the public government, which is amazing, taxpayer funding of the big lie, saying that somehow we are cutting Medicare, and I can tell you the people in my district have been calling our office, and as of last Thursday or Friday we had over 700-some calls, and only 22 have called in and said, "You know, don't cut Medicare," and the vast majority of whom, or 90-some percent, said, "RANDY, we're not going to listen to these ads. We're tired of outside groups coming in trying to scare us, trying to threaten us, saying the sky is going to fall, the Chicken Little approach," and I can tell you that the people in my district understand that Medicare is going broke. The trustees have come out and said that we need to save it, that we are going to increase the amount that we are going to spend on it.

Mr. Speaker, I have had town halls. I know probably all of us have had town halls, senior advisory committees. They have had 20-some hearings, Ways and Means, Commerce Committee this year, soliciting ideas. Instead of a top-down approach, we have gone out to the people in our districts and asked, "How can we fix the plan? Here is the problem. What's your solution?"

And that is what we are trying to incorporate. The people in my district are ignoring the ads. They are saying they are tired of the lies, they are tired of it being financed by their own dollars. You know, these are same groups, the same American Families Coalition, who receive money from the Federal Government. It is outrageous and it is blatant.

Mr. CHABOT. Mr. Speaker, I have another Washington Post, and obviously these are blowups here, but what the Post has to say about the Republicans' Medicare plan—this is the Washington Post:

Congressional Republicans have confounded the skeptics. It's incredible. It's gutsy. It addresses a genuine problem that is only going to get worse.

This is the Washington Post talking about the Republicans' Medicare plan, and I brought a couple of articles here from two of my hometown newspapers, the Cincinnati Post and the Cincinnati Enquirer. I am not going to read the entire articles, but I would just like to read a couple of quotes. This is from my district in Cincinnati. This is the Cincinnati Post talking about the Republican Medicare plan. It says:

Will the Republican plan actually cut anything? No. It just slows the rate of growth.

But it is extraordinary, in an age when political truth-telling and courage are often thought in meager supply, that the Contract-With-America crowd is following through on its pledge to balance the budget and is going about it the only way possible, by reforming an entitlement program hugely popular with middle-class voters.

And the plan is, in fact, meritorious, not only because it would save billions upon billions of dollars if enacted, but chiefly because it would introduce market principles into the program, enabling the elderly to shop around for what suits them best.

Democrats, carrying on as if the Republicans were caught building concentration camps, have been trying to scare the elderly into paroxysms of protest, so far to no avail.

Perhaps the elderly have noticed that per capita spending under the Republican plan would rise from $4,816 this year to $8,734 in 2002. That's just a few hundred dollars less than without the proposed changes.

Still, action, above all, is what's needed. Now, that is why the House Republicans' plan is such a valuable start to badly needed Medicare reform.

That is the Cincinnati Post.

Let me read briefly from the Cincinnati Enquirer.

The quacks who have been playing doctor with Medicare for decades always prescribe the same treatment: Bleed taxpayers to keep the cash transfusions coming, but don't close the wounds—that would be painful.

Finally, Republicans have dared to propose some surgery to get Medicare healthy again. And the response from the Clinton administration has been the same old faith-healing.

And then they quote Donna Shalala's response to our plan. They quote Donna Shalala as saying:

We will not go back to the days when older Americans brought bags of apples to pay for their doctor visits," was the panic-inducing response from Health and Human Services Secretary Donna Shalala.

And what the Enquirer says to her response, "That's snake oil."

"Considering the critical condition of Medicare, the Republican therapy is fairly painless."

And then it goes into some of the details about our plan, and it says:

Unless something is done, Medicare could go broke and double the federal deficit by 2005, soaking taxpayers and the elderly with increases measured like a runaway fever chart.

It's long past time for a healthy cure before Medicare has a massive stroke. The Republican remedy is a good place to start.

That is a Cincinnati Enquirer.

Mr. JONES. Would you clarify, you or Mr. TATE, for those that might be watching that the tax cuts that have been proposed, $245 billion in tax cuts for working families are more than offset by reductions in savings in Government spending over the next 7 years excluding, excluding Medicare and Medicaid?

Mr. CHABOT. That is exactly correct. The liberals on the other side of the aisle are trying to link the two. They have absolutely nothing to do with each other. The Medicare pay cuts or, excuse me, the tax cuts, were taken care of earlier back in April, and we have a plan that does not affect Medicare at all. The two are entirely separate, but what they are trying to do is play the old political partisan game and scare senior citizens. I think that is reprehensible for them to play that game. What I wish they would do is come with us and work together with us so we can actually solve this Medicare crisis, and I hope the President ultimately will do the right thing as well.

Mr. TATE. Mr. Speaker, I know that our time is running short, very short.

The SPEAKER pro tempore. Actually the time is expired.

Mr. TATE. I just want to thank the gentleman from Ohio and the gentleman from North Carolina for letting me engage in this colloquy with you tonight, and working on the Contract With America, and preserving and protecting Medicare, and I just want to thank you for the opportunity.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members that are going to be speaking during the remainder of tonght's activity that they should direct their remarks to the Chair and not to the television audience.

REDISTRICTING IN THE STATE OF GEORGIA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 60 minutes.

Ms. MCKINNEY. Mr. Speaker, as this legislative week begins, I would like to take an opportunity to once again commend the members of the Georgia Legislative Black Caucus who are now preparing to have their annual conference weekend with workshops, and I am absolutely certain that the issue of redistricting will take center stage in that conference weekend.

□ 2230

The Georgia Legislative Black Caucus, under the leadership of State Senator Diane Harvey Johnson, has done a wonderful job, and can never really be commended enough for its dedication and its ability to withstand all of the trials and tribulations of the recently adjourned special session under the leadership of the redistricting task force that, with David Scott at its helm, the Georgia Legislative Black Caucus was able to wade through very treacherous waters.

While the Georgia General Assembly failed to provide the citizens of the State of Georgia with a redistricting plan, certainly the Georgia Legislative Black Caucus can be credited with preventing a horrendous plan from passing onto the desk of the Governor.

I would also like to take a moment to say a few words about one of my leaders in the Georgia Legislative Black Caucus, State Representative Tyrone Brooks. When I was elected to the Georgia House of Representatives in 1988, I began, after having been sworn in in January 1989, to serve with my father, and the two of us became the only father-daughter legislative team in the country. Of course, we were much celebrated, but even though my father had been a member of the Georgia Legislature for over 20 years, it was to State Representative Tyrone Brooks that I have turned for leadership. I am proud that he took me under his wing and made me into half the legislator and civil rights leader that he is for the residents of the State of Georgia.

Mr. Speaker, on the grounds of the Georgia State Capitol there is a statue. The name of that statue is expelled because of color. This statue commemorates the service of 33 black people who were elected, duly elected, to the Georgia legislature, but who in 1868 were expelled for no other reason than the color of their skin.

Since 1965, the Voting Rights Act has utilized the tool of redistricting to enhance equal opportunity in the area of politics, but in 1993, something happened. That something was the Shaw versus Reno case, which set a new standard in redistricting principles. That new standard is a beauty standard, the beauty standard being that districts have to look a certain way in order to be effective, and if those districts do not conform to a particular standard of beauty, then there is something inherently wrong with those districts.

It is through this tool of resdistricting that we have been able to perfect our democracy. I recall from a publication called "Sister Outsider" a quote. The quote is, "For the master's tools will never dismantle the master's house. They may allow us temporarily to beat him at his own game, but they will never enable us to bring about genuine change."

The question I pose is does my presence in this body, in the United States House of Representatives, dismantle the master's house? What is it about the presence of African-Americans, women, Latinos, other people of color, that causes discomfort to some people in this country? Could it be the things that I dare say, or is it merely just the way I look that causes some people to say, "This is not your place"? Then, of course, that would compel the highest court in the land, the United States Supreme Court, to apply a double standard.

I have an article here written by one of the members of that community of dedicated lawyers who are out there laboring long and hard, and their only effort is to try and make this country a better place for all Americans. The title of this article is "Gerrymander Hypocrisy: Supreme Court's Double Standard." It was written by Jamon B. Raskin, professor of constitutional law and associate dean at the Washington College of Law at the American University.

It begins:

Racial double standards are nothing new in American law, but the Supreme Court's voting rights jurisprudence has turned farcical. State legislators redrawing Congressional and State legislative districts in the 1990s now carry both a license and a warning from the Court. The license, granted for decades, is to draw far-flung, squiggly lines all over the map in order to guarantee the legislators' reelection or the reelection of incumbent white U.S. House Members. The warning, issued in the Court's 1993 Shaw v. Reno decision, is not to draw any such bizarre districts with the purpose of creating African-American or Latino political majorities.

These two Supreme Court positions are on a logical collision course. From the day it was decided, Shaw looked deeply suspicious, since it imposed strict scrutiny on only those oddly shaped districts where African-Americans or Latinos are in a majority. The Court had never before found that the Constitution required districts to have certain shapes, sizes, or looks. District appearance was a question for the States. Now, in the name of tidy district lines and fighting what Justice Sandra Day O'Connor called "political apartheid," a term never used by the Court to describe slavery, Jim Crow, poll taxes, literacy tests, or white primaries, the court cast doubt on dozens of racially integrated districts represented by blacks and Latinos.

In the illustrative case of Vera versus Richards last August, a panel of three Republican judges threw out as racial gerrymander two majority-black congressional districts and one majority-Latino district in Texas, solemnly invoking Martin Luther King all along the way.

Meanwhile, the same panel categorically rejected challenges to majority-white districts whose perimeters looked every bit as peculiar as those of the minority districts. The panel was not disturbed that House incumbents from Texas were actively involved in the redistricting process, or that they were so influential in getting districts drawn for incumbency protection that all but one of them had been reelected in 1992. Neither were the judges troubled by the fact that minority districts appear contorted precisely because white Democratic incumbents, looking for liberal votes, took big geographic bites out of minority communities.

By blessing the entrenchment of white incumbents and wiping out black and Latino majority districts, the district court is only following the perverse logic of Supreme Court doctrine. The "equal protection" clause of the 14th Amendment, enacted in 1868 to dismantle white supremacy, has been twisted by the Court to mean that African-Americans and other minorities may not form a numerical majority in any district unless they are in communities that are geographically compact and residentially isolated.

Without consciously drawn minority districts, most States would continue to have lily white House delegations. No black has ever been elected to Congress from the South in a majority-white district. Even today, with the new districts (hanging on by a thread), minorities remain underrepresented in Congress and in every State legislature.

Furthermore, these districts discriminate against no one.

On the other hand, "incumbency protection" districts are deeply offensive to democratic values.

By fencing out unfriendly voters and potential rivals, incumbents make districts in their own image, and turn elections into a formality. In our self-perpetuating incumbentocracy, voters don't really pick public officials on Election Day because public officials pick voters on redistricting day.

But in the Court's new racial Rorschach test, incumbent-friendly ink blot districts are lawful if the race in the majority is white.

We have, through these districts, the opportunity to elect people who would otherwise not grace these halls, and there has been a lot of misinformation about these districts. Laughlin McDonald is the voting rights litigator for the ACLU. In an effort to try and dispel some of the misinformation about these districts, he wrote two pieces, one of them entitled "Exploding Redistricting Myths" and the other one entitled "Drown in a Sea of Misinformation." I will submit both of these pieces to the RECORD, because it is important that all of the misinformation that has been thrown out by various scholarly people be challenged and rebutted at each step along the way.

Mr. Speaker, in the most recently adjourned special session of the Georgia

Legislature, we had something very unfortunate happen. Of course, we understood that the 11th Congressional District had been challenged by primarily the Democratic candidate who ran against me, who lost because of an ineffective message, and so was able to find some recourse in the courts. However, something else happened. That something else was that the Second Congressional District was added into the mix, so now the lower court, the same lower court in Georgia that found the 11th Congressional District to be unconstitutional, now is going to have a hearing on the constitutionality of the Second Congressional District of Georgia, which is also a majority-minority district.

The Georgia Legislative News of August 21 chronicles what happens. The headline is "Parks Attacks Second District," and it begins:

In an unexpected legal maneuver, Georgia's Second Congressional District is under attack by Lee Parks, attorney for the original plaintiffs in the Johnson v. Miller suit, which resulted in the 11th District being declared unconstitutional.

What started out as one majority-black district under attack now results in two majority-black districts being under attack. Unfortunately, in the September 26 edition of the Atlanta Constitution, the headline reads, "Another Majority-Black District At Risk." First there was one, and now there are two.

It begins:

About Face: State Admits Racial Gerrymandering. The United States Justice Department has abandoned its defense of Georgia's Second Congressional District, and State attorneys on Monday admitted that race dictated the drawing of its lines, putting the future of another majority-black district in jeopardy.

Now, I know that we have at the Justice Department very young, idealistic, dedicated attorneys who have experienced 30 years of victory in the area of voting rights, and all of a sudden now, after Shaw versus Reno, we have 30 years of precedent being rapidly eroded.

□ 2245

I would just hope that the Justice Department is not losing its will, that it is not punch-drunk after the first round. Now, more than ever, we need people who are dedicated to the proposition that everybody deserves a voice in this Government, to be prepared to fight, to make sure that everyone does have a voice in this Government.

Mr. Speaker, I have been through the story of how in the Georgia legislative special session a particular special interest became so pronounced that it was impossible for the legislature to conclude with a congressional map, and that particular special interest is the kaolin industry that pervades the economy of the State of Georgia and as well the legislature of the State of Georgia. There were maps that were produced, but those maps conveniently excluded the kaolin belt from the 11th Congressional District of Georgia, which I represent.

Mr. Speaker, because it is only fair that those counties be included in the 11th Congressional District, the Georgia legislative Black Caucus fought for the opportunity of the residents of those counties to be able to elect their candidate of choice, and so by fighting, we were not able to have a map.

The whole issue of the double standard can be seen in these maps that I have. The 6th district of Illinois contains a super- majority that is white, of 95 percent, the 6th Congressional District of Illinois has not been challenged in any court.

Mr. Speaker, we also have the 6th Congressional District of Texas, which has a supermajority. That supermajority is white. This district has gone through the same scrutiny as has the 11th Congressional District of Georgia. This district, with its squiggly lines, apparently conforms to the beauty standard. It passes the beauty test. It is a beautiful district, so ruled by the courts. It is constitutional.

Yet the 11th Congressional District of Georgia, which, I think, is one of the most beautiful districts ever drawn by any legislature in the State of Georgia, has also a supermajority of 64 percent that happens to be black, has undergone the same kind of scrutiny as the 6th Congressional District of Texas, but Georgia's 11th Congressional District has been declared unconstitutional by the lower court and even our own U.S. Supreme Court.

So I stand today before this body as a representative without a district representing people who deserve to have their voices heard in the area of public policymaking. Of course, whatever happens will be determined by the lower court in Georgia, and we will be forced to abide by and will happily abide by the dictates of the law of the land, but of course it does not mean that the law is always right, and it certainly does not mean that the law is color blind.

In 1868 those 33 black members of the Georgia Legislature were expelled because of the color of their skin, and here I stand facing the same fate, but I do not stand alone, and that is because there too have been others, even from this body, who have preceded me. Thank goodness we have this thing called a CONGRESSIONAL RECORD, because we can go back and we can search the RECORD and find the words of other Members of Congress, others similarly situated, others who also faced expulsion for no other reason than the color of their skin.

Mr. Speaker, one such representative, the last, in fact to grace these halls in the beginning of the 20th century was Representative George White from North Carolina. I would like to read what Representative White had to say. This is in 1901:

I want to enter a plea for the colored man, the colored woman, the colored boy, and the colored girl of this country. I would not thus digress from the question at issue and detain the House in a discussion of the interests of this particular people at this time but for the constant and the persistent efforts of certain gentlemen upon this floor to mold and rivet public sentiment against us.

At no time perhaps during the 56th Congress were these charges and countercharges containing as they do slanderous statements more persistently magnified and pressed upon the attention of the Nation than during the consideration of the recent reapportionment bill. As stated some days ago on this floor by me, I then sought diligently to obtain an opportunity to answer some of the statements made by gentlemen from different States, but the privilege was denied me, and I therefore must embrace this opportunity to say out of season, perhaps, that which I was not permitted to say in season.

Now, Mr. Chairman, before concluding my remarks, I want to submit a brief recipe for the solution of the so-called American Negro problem. He asks no special favors, but simply demands that he be given the same chance for existence, for earning a livelihood, for raising himself in the scales of manhood and womanhood, that are accorded to kindred nationalities. Treat him as a man. Go into his home and learn of his social conditions, learn of his cares, his troubles, and his hopes for the future. Gain his confidence, open the doors of industry to him.

This, Mr. Chairman, is perhaps the Negro's temporary farewell to the American Congress. But let me say phoenix-like, he will rise up someday and come again. These parting words are in behalf of an outraged, heartbroken, bruised and bleeding, but God-fearing people; faithful, industrious, loyal people, rising people, full of potential force.

Sir, I am pleading for the life of a human being. The only apology that I have to make for the earnestness with which I have spoken is that I am pleading for the life, the liberty, the future happiness, and manhood suffrage for one-eighth of the entire population of the United States.

George White did not leave Congress quietly. He fixed the record. For as long as there will be a United States of America, there will be people who can pull this CONGRESSIONAL RECORD and find his words there.

I guess you could say I am doing the same thing. For if it is the will of this country that African-Americans can no longer serve in the U.S. Congress, I guarantee you that I will fix this record. I, too, will speak on behalf of an outraged people who only want the opportunity to participate as full citizens in their Government.

The State of Georgia did not want us, three of us; the State of Georgia did not defend the congressional map that produced its most diverse congressional delegation in history, and so the State of Georgia is now prepared to say goodbye to that diversity.

I found a book entitled "The Passion of Claude McKay." Claude McKay did a poem that I would like to read. The title of the poem is, "If We Must Die."

If we must die, let it not be like hogs, hunted and pinned in an inglorious spot.

While round us bark the mad and hungry dogs, making their mock at our accursed lot. If we must die, oh, let us nobly die so that our precarious blood may not be shed in vain, then even the monsters we defy shall be constrained to honor us, though dead. Oh, kinsmen, we must meet the common foe. Though far outnumbered, let us show us brave and for their thousand blows deal one death blow, what though before us lies the open grave. Like men will face the murderous, cowardly pack, pressed to the wall, dying, but fighting back.

Mr. Speaker, I intend to carry this fight for the preservation of democracy in America, for as long and as far as we can take it. I would like to take this opportunity to thank my colleagues who have all been so kind, courteous, concerned, and committed.

I would like to thank the people from around the country who have taken the time to write letters to us, to place telephone calls to our office, to share their concern about the evil turn that this country has taken, and what it means for average, ordinary Americans, that their representation could be yanked away from them. If it starts with the 11th Congressional District of Georgia, and then moves over to the Second Congressional District of Georgia, and then sweeps across the South and moves up to the North in Illinois and New York, where will it end?

□ 2300

In fact, we have a very renowned writer in Georgia, Bill Ship, who poses the question, "Are the bad old days back?" Of course we certainly hope not.

I do not want there to be a statue on the Grounds of the U.S. Capitol commemorating the service of the 40 plus African-Americans, the Latino-Americans, the Asian-Americans who may too very well be expelled if this awful page in our history is allowed to be written. I certainly do not want another statue on the grounds of the Georgia State Capitol commemorating my service in that body and my service in this body and my expulsion, either.

So I guess I would have to say that it all depends now on the will of the American people. Do we want to assure that our democracy is one that includes everybody, even people like me who do not come from wealth, who are not able to finance the tremendous amounts that it takes to run campaigns and to try and beat back the block voting that occurs in our State, along with the fact that we still have the second primary which requires a candidate to win three times when they should not really have to win but once.

I hope the bad old days are not coming back. I know that they will not come back if the American people will say enough is enough and that what we meant was certainly not this.

Mr. Speaker, I include the two articles referred to in my special order for the RECORD, as follows:

DROWNING IN A SEA OF MISINFORMATION

(By Laughlin McDonald)

The debate over majority-minority voting districts is threatened with death by drowning in a sea of misinformation and speculative assumptions. The hard facts are that the increase in the number of minority elected officials, particularly in the South, is the product of the increase in the number of majority-minority districts and not minorities being elected from majority white districts. And because of the prevalence of white bloc voting, minority populations well above 50% are generally necessary for minorities to have a realistic opportunity to elect candidates of their choice.

Of the 17 African-Americans elected to Congress in 1992 and 1994 from the states of the old Confederacy, all were elected from majority-minority districts. The only black in the 20th century to win a seat in Congress from a majority white district in one of the nine southern states targeted by the special preclearance provisions of the Voting Rights Act was Andrew Young of Georgia. He was elected in the bi-racial afterglow of the civil rights movement in 1972 from the Fifth District where blacks were 44% of the voting age population. Still, voting was racially polarized and he got just 25% of the white vote.

Those who have claimed that racial bloc voting was a relic of the past in the new South always brought up the example of Andrew Young. His election was proof that a moderate black candidate who knew how to organize a campaign could pile up white votes and win anywhere, they said. Young proved them wrong. In 1981, after serving in Congress for three terms, being ambassador to the United Nations, and raising more money than in previous campaigns, Young got only 9% of the white vote in his election as mayor of majority black Atlanta. In 1990, Young ran for governor of Georgia. In both the primary and runoff he got about a quarter of the white vote, but running statewide where blacks are 27% of the population, he was defeated. Even for a candidate with extraordinary qualifications, such as Young, racial bloc voting is a political fact of life.

A pattern of office holding similar to that in Congress exists for southern state legislatures. Approximately 90% of all southern black legislators in the 1980s were elected from majority black districts. No blacks were elected from majority white districts in Alabama, Arkansas, Louisiana, Mississippi, and South Carolina.

By 1994, there were 262 black state legislators in the southern states, 234 (89%) of whom were elected from majority black districts. Of the 1,495 majority white legislative districts, only 28 (2%) were represented by blacks, a percentage basically unchanged since the 1970s. For blacks to have a realistic chance of winning, they have had to run in majority black districts.

There has also been a substantial increase in the number of minorities elected to city and county offices throughout the South. As with Congress and state legislatures, the increase can be traced directly to the creation of majority-minority voting districts.

It is possible, of course, to conflate the exceptions such as Andrew Young with the general rule, but to do so requires one to rely upon anecdotal evidence and ignore the facts. One scholar has concluded based upon a recent study funded by the National Science Foundation, by far the most comprehensive study to date of the impact of the Voting Rights Act, that "[t]he arguments that Blacks need not run in 'safe' minority districts to be elected, that White voters increasingly support Black politicians, that racial-bloc voting is now unusual—all turn out to be among the great myths currently distorting public discussion."[1]

Numerous decisions of federal courts support these conclusions. To cite just a few, in Burke County, Georgia the court found "overwhelming evidence of bloc voting along racial lines." In Chattanooga, Tennessee black and white voters "vote differently most of the time." In Arkansas voting patterns were described as being "highly racially polarized." In Springfield, Illinois there was "extreme racially polarized voting." In northern Florida voting was not only polarized but was "driven by racial bias."

If whites voted freely for minorities there would be no need to include race in the redistricting calculus, and in places where significant racial bloc voting does not exist the courts have not required the creation of majority-minority districts. But because whites generally vote on racial lines, majority-minority districts are necessary to provide minorities the equal opportunity to elect representatives of their choice.

Some have argued that partisanship, not race, is the determinative factor in elections. Blacks, however, have generally been unable to win in majority white districts no matter whether they were controlled by Democrats or Republicans. The argument also ignores the fact that partisanship is inextricably bound up with race. Much of the political dealignment and realignment that has taken place in this country over the last 30 years has itself been driven by race. Conservative whites have fled the Democratic party for various reasons, but important among them have been the increased participation of blacks in party affairs and the belief that the party was too preoccupied with civil rights.

Majority-minority districts are not a form of segregation, as some have charged. The majority-minority congressional districts in the South are actually the most racially integrated districts in the country and contain substantial numbers of white voters, an average of 45%. Moreover, blacks in the South continue to be represented more often by white than by black members of Congress, 58% versus 42%. No one who has lived through it could ever confuse existing redistricting plans, with their highly integrated districts, with racial segregation under which blacks were not allowed to vote or run for office.

While the converse is exceptional, whites are frequently elected from majority-minority districts. During the 1970s whites won in 48% of the majority black legislative districts in the South, and in the 1980s in 27%. In Georgia in 1994 whites won in 26% of the majority black legislative districts. Given these levels of white success, racially integrated majority-minority districts cannot be dismissed simply as "quotas" or "set-asides" for minorities.

There is also no evidence that the majority-minority districts cause harm or increase racial tension. In *Miller v. Johnson* (1994) the Supreme Court invalidated Georgia's majority black Eleventh District on the grounds that race was the predominant factor in the redistricting process and the state impermissibly subordinated its traditional redistricting principles to race. The trial court, however, expressly found that the plaintiffs "suffered no individual harm; the

[1] Richard Pildes, "The Politics of Race," 108 Harv.L.Rev. 1359, 1367 (1995).

1992 congressional redistricting plans had no adverse consequences for these white voters." The Supreme Court did not disturb these findings.

Far from causing harm, the evidence suggests that integrated majority-minority districts have promoted the formation of biracial conditions and actually dampened racial bloc voting. In Mississippi, after the creation of the majority black Second Congressional District, Mike Espy, an African-American, was elected in 1986 with about 11% of the white vote and 52% of the vote overall. In 1988 he won re-election with 40% of the white vote and 66% of the vote overall.

In Georgia, the Second and Eleventh Congressional Districts became majority black for the first time in 1992. From 1984 to 1990, only 1% of white voters in the precincts within the Second, and 4% of the white voters in the precincts within the Eleventh, voted for minority candidates in statewide elections. A dramatic and encouraging increase in white crossover voting occurred in 1992. Twenty-nine percent of white voters in the Second and 37% of white voters in the Eleventh voted for minority candidates in statewide elections that year. Whether these trends are temporary or not, they undercut the argument that majority-minority districts have exacerbated racial bloc voting.

In *Miller* the Court stopped far short of saying that a jurisdiction couldn't take race into account in redistricting or that it couldn't draw majority-minority districts. Indeed, Justice O'Connor, who was the crucial vote for the five member majority, wrote in a concurring opinion that where a state redistricts in accordance with its "customary districting principles" it "may well" consider race, and that judicial review was limited to "extreme instances of gerrymandering." Such a view is consistent with the Voting Rights Act and the interpretation it has always been given that a jurisdiction must take race into account to avoid diluting minority voting strength.

As a practical matter it is probably impossible to avoid considering race in redistricting. Members of the Court have frequently observed that one of the purposes of redistricting is to reconcile the competing claims of political, religious, ethnic, racial, and other groups. Legislators necessarily make judgments about how racial and ethnic groups will vote. According to Justice Brennal, "[I]t would be naive to suppose that racial considerations do not enter into apportionment decisions."

Redistricting by its nature is fundamentally different from other forms of governmental action where, for instance, scarce employment or contractual opportunities are allocated on a race conscious basis. A contractor denied the opportunity to bid on 10% of a city's construction contracts, or a white applicant denied the chance to compete for all the openings in a medical school class, have independent claims of entitlement and injury. But a resident who has not been harmed by a redistricting plan has no legitimate grounds for complaint simply because race was one of the factors the legislature took into account.

Voting districts have traditionally been drawn to accommodate the interests of various racial or ethnic groups—Irish Catholics in San Francisco, Italian-Americans in South Philadelphia, Polish-Americans in Chicago. No court has ever held these districts to be constitutionally suspect or invalid. To apply a different standard in redistricting to African-Americans based upon speculative assumptions about segregation and harm would deny them the recognition given to others. To do so in the name of colorblindness of the Fourteenth Amendment, whose very purpose was to guarantee equal treatment for blacks, would be ironic indeed.

Integrated majority-minority districts are good for minorities because they provide them equal electoral opportunities. But they are also good for our democracy. They help break down racial isolation and polarization. They help ensure that government is less prone to bias, and is more inclusive, reliable, and legitimate. These are goals that all Americans should support.

EXPLODING REDISTRICTING MYTHS

(By Laughlin McDonald)

After the Supreme Court held Georgia's majority black Eleventh Congressional District unconstitutional as an instance of extreme gerrymandering, the governor called the legislature into special session to repair the damage. But it couldn't agree on a new map and has dumped the matter back into the lap of the federal court. As the court prepares to act, let us reconsider, and reject, two of the myths surrounding majority black districts—that they are unnecessary and that they are part of a Republican/African-American cabal that has mortally wounded the Democratic party.

Because of white bloc voting, minority populations well above 50% are generally necessary for minorities to have a realistic chance to electing candidates of their choice. Of the 17 African-Americans elected to Congress in 1992 and 1994 from the states of the old Confederacy, all were elected from majority-minority districts. The only black in this century to win a seat in Congress from a majority white district in one of the nine southern states targeted by the special preclearance provisions of the Voting Rights Act was Andrew Young. He was elected in the biracial afterglow of the civil rights movement in 1972 from the Fifth District where blacks were 44% of the voting age population.

It is possible to conflate the exceptions such as Young with the rule, but to do so one has to ignore the facts. The notion that racial bloc voting is rare and that minorities have an equal chance in majority white districts in the South is simply a myth that continues to cloud public debate over redistricting.

The claim that majority-minority congressional districts are the cause of the decline in fortunes of the Democratic party is also largely a bum rap. White Democrats have been elected to Congress from Georgia under the existing plan. Three were elected in 1992, along with three black Democrats. A white Democrat was also elected in 1994, Nathan Deal, but he defected to the Republican party earlier this year.

Democrats suffered a major reversal in 1992 when a Republican defeated Democratic incumbent Wyche Fowler for the U.S. Senate. Two years later, the state's long time attorney general, a Democrat, left the party and was reelected as a Republican. Neither the statewide election of Republicans nor the defection of Democrats can be laid at the feet of majority black congressional districts.

Democrats have lost ground in Georgia—statewide, in the U.S. Senate, and in the House—for a lot of reasons, including their failure to deliver on health care and campaign finance reform, not to mention the house banking scandal which helped defeat white Democrat Buddy Darden in 1994. But mainly Democrats have been hurt because conservative whites have left the party in growing numbers—a backlash that set in after passage of the major civil rights acts of the 1960s.

Some observers question whether redrawing congressional district lines in Georgia would do much to reverse Republican gains. It is possible, however, to draw constitutionally acceptable plans that protect the black incumbent and create up to three additional Democratic "opportunity districts." But many white Democrats refused to join with blacks in supporting such plans during the abortive special session, either because they wanted the black incumbents out, they thought the party would damage itself further by seeming to give in to black demands, or they were on the verge of quitting the party themselves. Clearly, some of the party's redistricting wounds are self-inflicted.

Deconstructing the majority black districts, whatever its partisan impact, would surely bleach the Congress. That might suit some people just fine, but no system that treats blacks as second class voters and denies them the opportunity that others have to elect candidates of their choice, should pretend to be a real democracy.

Majority-minority districts are not only good for minorities, they are good for the country as a whole. Because they are highly integrated (45% white on average) they help break down racial isolation and encourage biracial coalition building. That has happened in Georgia where white crossover voting increased substantially in the precincts within the Eleventh District after it was created in 1992. Majority-minority districts also help insure that government is more inclusive, reliable, and legitimate. These are goals that all Americans should support.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TUCKER (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of official business.

Mr. VOLKMER (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of family illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MATSUI) to revise and extend their remarks and include extraneous material:)

Mr. GIBBONS, for 5 minutes, today.

Mr. SKAGGS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. CLAYTON, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. FARR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)

Mr. COBURN, for 5 minutes, on September 28.

Mr. HOEKSTRA, for 5 minutes each day, today and on September 28.
Mr. BALLENGER, for 5 minutes, on September 28.
Mr. SMITH of Washington, for 5 minutes each day, today and on September 28.
Mr. SALMON, for 5 minutes, today.
(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)
Mr. FOX of Pennsylvania, for 5 minutes, today.
(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)
Mr. MCINNIS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:
Mr. CONYERS on H.R. 743 in the Committee of the Whole today.
(The following Members (at the request of Mr. MATSUI) and to include extraneous matter:)
Mr. VISCLOSKY.
Mr. MORAN.
Mrs. THURMAN.
Mr. GORDON.
Mr. LAFALCE.
Mr. BONIOR.
Mr. TORRES in two instances.
Mr. MINETA.
Mr. LANTOS.
Mr. DINGELL.
Mr. HAMILTON in two instances.
Mr. STOKES.
Mr. MATSUI.
Mr. MENENDEZ in four instances.
Mr. KLECZKA in two instances.
Mr. LEVIN in four instances.
Mr. RICHARDSON in two instances.
Mr. PALLONE.
Mr. COSTELLO.
Mr. GEJDENSON.
Mr. CLAY.
Mr. SCHUMER.
Mr. DELLUMS.
Mr. ORTIZ.
Mr. MILLER of California.
Mrs. MALONEY in two instances.
Mr. BARCIA.
Ms. LOFGREN.
Mr. POSHARD in two instances.
Mr. BEVILL.
Mr. SKAGGS.
(The following Members (at the request of Mr. WALKER) and to include extraneous matter:)
Mr. SMITH of New Jersey.
Mr. LEWIS of California in three instances.
Mr. PACKARD.
Mr. BAKER of California.
Mr. CHAMBLISS.
Mr. SHUSTER.
Mr. YOUNG of Florida.
Mr. DAVIS.
Mr. FLANAGAN.
Mr. BEREUTER.
Mr. BASS.
Mr. OXLEY.
Mr. WALKER.
(The following Members (at the request of Ms. MCKINNEY) and to include extraneous matter:)
Mr. BRYANT of Texas.
Mrs. KENNELLY.

SENATE BILL AND CONCURRENT RESOLUTION REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 619. An act to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes; to the Committee on Commerce.

S. Con. Res. 21. Concurrent resolution directing that the "Portrait Monument" carved in the likeness of Lucretia Mott, Susan B. Anthony, and Elizabeth Cady Stanton, now in the Crypt of the Capitol, be restored to its original state and be placed in the Capitol rotunda; to the Committee on House Oversight.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1817. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

H.R. 1854. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On September 26, 1995:

H.R. 1854. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes.

H.R. 1817. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

ADJOURNMENT

Ms. MCKINNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 4 minutes p.m.), the House adjourned until tomorrow, Thursday, September 28, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1460. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the New Orleans District, U.S. Army Corps of Engineers, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1461. A communication from the President of the United States, transmitting notification that the Federal Government frequency assignments in the spectrum identified for reallocation for exclusive nonfederal use have been withdrawn by the National Telecommunications and Information Administration [NTIA]; to the Committee on Commerce.

1462. A communication from the President of the United States, transmitting an update on the deployment of combat-equipped United States Armed Forces to Haiti as part of the multinational force [MNF] (H. Doc. No. 104–119); to the Committee on International Relations and ordered to be printed.

1463. A letter from the Comptroller General, General Accounting Office, transmitting the list of all reports issued or released in August 1995, pursuant to 31 U.S.C. 717(h); to the Committee on Government Reform and Oversight.

1464. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1465. A letter from the Secretary of Energy, transmitting the Department's fifth annual report for the Demonstration and Commercial Application of Renewable Energy and Energy Efficiency Technologies Program, pursuant to section 9 of the Renewable Energy and Efficiency Technology Competitiveness Act of 1989; jointly, to the Committees on Commerce and Science.

1466. A letter from the Comptroller General of the United States, transmitting a copy of a report entitled "Financial Audit: Congressional Award Foundation's Financial Statements for the Fiscal Year Ended September 30, 1994," GAO/AIMD–95–172; jointly, to the Committees on Government Reform and Oversight and Economic and Educational Opportunities.

1467. A letter from the Assistant Comptroller General of the United States, transmitting a copy of a report entitled, "U.S.-Japan Cooperative Development: Progress on the FS–X Program Enhances Japanese Aerospace Capabilities," GAO/NSIAD–95–145; jointly, to the Committees on Appropriations, International Relations, and Government Reform and Oversight.

1468. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting a draft of proposed legislation entitled the "Yakima Firing Center Withdrawal Act"; jointly, to the Committees on National Security, Resources, Ways and Means, and Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBERTS: Committee on Agriculture. H.R. 436. A bill to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes; with an amendment (Rept. 104–262, Pt. 1). Ordered to be printed.

Mr. BLILEY: Committee on Commerce. H.R. 436. A bill to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes; with an amendment (Rept. 104–262 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 230. Resolution providing for the consideration of the joint resolution (H.J. Res. 108) making continuing appropriations for the fiscal year 1996, and for other purposes (Rept. 104–263). Referred to the House Calendar.

Ms. PRYCE: Committee on Rules. House Resolution 231. Resolution waiving points of order against the conference report to accompany the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–264). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 232. Resolution waiving points of order against the conference report to accompany the bill (H.R. 2126) making appropriations for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–265). Referred to the House Calendar.

Mr. LIVINGSTON: Committee on Appropriations. Report on the revised subdivision of budget totals for fiscal year 1996 (Rept. 104–266). Referred to the Committee of the whole House on the State of the Union.

Mr. CANADY: Committee on the Judiciary. H.R. 1833. A bill to amend title 18, United States Code, to ban partial-birth abortions; with an amendment (Rept. 104–267). Referred to the Committee of the Whole House on the State of the Union.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 436. A bill to require the head of any Federal agency to differentiate between fats, oils, and greases of animal, marine, or vegetable origin, and other oils and greases, in issuing certain regulations, and for other purposes.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS:

H.R. 2398. A bill to amend the General Education Provisions Act to allow State and county prosecutors access to student records in certain cases; to the Committee on Economic and Educational Opportunities.

By Mr. MCCOLLUM (for himself, Mr. LEACH, Mrs. ROUKEMA, Mr. GONZALEZ, Mr. VENTO, Mr. ROTH, Mr. LAFALCE, Mr. BAKER of Louisiana, Mr. LAZIO of New York, Mr. KING, Mr. CASTLE, Mr. WELLER, and Mr. EHRLICH):

H.R. 2399. A bill to amend the Truth in Lending Act to clarify the intent of such act and to reduce burdensome regulatory requirements on creditors; to the Committee on Banking and Financial Services.

By Mr. NORWOOD (for himself and Mr. BREWSTER):

H.R. 2400. A bill to establish standards for health plan relationships with enrollees, health professionals, and providers; to the Committee on Commerce.

By Mr. HYDE (for himself and Mr. FAWELL):

H.R. 2401. A bill to provide for monthly payments by the Secretary of Veterans Affairs to certain children of veterans exposed to ionizing radiation while in military service; to the Committee on Veterans' Affairs.

By Mr. HANSEN:

H.R. 2402. A bill to authorize an exchange of lands in the State of Utah at Snowbasin Ski Area; to the Committee on Resources.

By Mr. CLEMENT:

H.R. 2403. A bill to amend title 49, United States Code, with respect to the regulation of interstate transportation by common carriers engaged in civil aviation, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Small Business, Government Reform and Oversight, National Security, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN:

H.R. 2404. A bill to extend authorities under the Middle East Peace Facilitation Act of 1994 until November 1, 1995, and for other purposes; to the Committee on International Relations.

By Mr. WALKER (for himself, Mr. SENSENBRENNER, Mrs. MORELLA, Mr. ROHRABACHER, and Mr. SCHIFF):

H.R. 2405. A bill to authorize appropriations for fiscal years 1996 and 1997 for civilian science activities of the Federal Government, and for other purposes; to the Committee on Science, and in addition to the Committees on Resources, and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO of New York (for himself, Mr. LEACH, Mr. MCCOLLUM, Mr. BAKER of Louisiana, Mr. CASTLE, Mr. WELLER, Mr. BONO, Mr. EHRLICH, Mr. CREMEANS, Mr. FOX, Mr. HEINEMAN, and Mrs. KELLY):

H.R. 2406. A bill to repeal the United States Housing Act of 1937, deregulate the Public Housing Program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BRYANT of Texas (for himself, and Mr. SHAYS):

H.R. 2407. A bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974, the Federal Land Policy and Management Act of 1976, the National Wildlife Refuge System Administration Act of 1966, the National Indian Forest Resources Management Act, and title 10, United States Code, to strengthen the protection of native biodiversity and to place restraints upon clearcutting and certain other cutting practices on the forests of the United States; to the Committee on Agriculture, and in addition to the Committees on Resources, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COBURN:

H.R. 2408. A bill to provide for enhanced penalties for health care fraud, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, the Judiciary, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Massachusetts:

H.R. 2409. A bill to increase the public debt limit; to the Committee on Ways and Means.

By Mr. MURTHA:

H.R. 2410. A bill to amend the Internal Revenue Code of 1986 to provide reductions in required contributions to the United Mine Workers of America combined benefit fund, and for other purposes; to the Committee on Ways and Means.

By Mr. ROBERTS (for himself, Mr. STENHOLM, Mr. GUNDERSON, and Mr. POSHARD):

H.R. 2411. A bill to provide assistance for the establishment of community rural health networks in chronically underserved areas, to provide incentives for providers of health care services to furnish services in such areas, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 2412. A bill to improve the economic conditions and supply of housing in native American communities by creating the Native American Financial Services Organization, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIVINGSTON:

H.J. Res. 108. Joint resolution making continuing appropriations for the fiscal year 1996, and for other purposes; to the Committee on Appropriations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. BARTON of Texas, Mr. SAXTON, and Mr. ENGEL.

H.R. 156: Mr. GENE GREEN of Texas.

H.R. 250: Mr. DELLUMS.

H.R. 350: Mr. WELDON of Pennsylvania.

H.R. 351: Mr. STOCKMAN, Mr. NORWOOD, and Mrs. CHENOWETH.

H.R. 367: Mr. JOHNSTON of Florida.

H.R. 394: Mr. MINETA, Mr. HINCHEY, and Mr. LANTOS.

H.R. 436: Mr. HANCOCK.
H.R. 491: Mr. MCKEON, Mr. RIGGS, Mr. THORNBERRY, and Mr. BACHUS.
H.R. 497: Mr. UNDERWOOD, Mr. BONIOR, Mr. HOKE, Mr. WISE, Mr. CRAPO, Mr. BARR, Mr. DELAY, Mr. HEINEMAN, Mr. HOBSON, Ms. PELOSI, Mr. DIXON, Mr. HOUGHTON, Mr. GILCHREST, Mr. BOUCHER, Mr. OXLEY, Mr. MEEHAN, Mr. FLANAGAN, and Mr. INGLIS of South Carolina.
H.R. 519: Mr. ROYCE.
H.R. 528: Ms. SLAUGHTER, Mr. QUILLEN, Mr. RAHALL, Mr. CRAPO, Mr. STEARNS, Mr. THORNTON, Mr. MOORHEAD, Mr. SPRATT, Mr. HEFNER, Mr. HILLIARD, Mr. BRYANT of Texas, and Mr. BURTON of Indiana.
H.R. 559: Mr. ENGEL.
H.R. 580: Mr. DOOLEY AND MR. HASTINGS of Washington.
H.R. 596: Mr. ENSIGN.
H.R. 619: Miss COLLINS of Michigan.
H.R. 620: Mr. LIPINSKI.
H.R. 662: Mr. CALVERT and Mr. COX.
H.R. 677: Mr. MEEHAN.
H.R. 682: Mr. PACKARD.
H.R. 777: Mr. BURTON of Indiana.
H.R. 778: Mr. BURTON of Indiana.
H.R. 789: Mr. CHABOT, Mr. NEAL of Massachusetts, Mr. DAVIS, Mr. SAXTON, Mr. BALDACCI, Mr. SPENCE, and Mrs. LINCOLN.
H.R. 911: Mr. RAMSTAD.
H.R. 1005: Mr. LINDER.
H.R. 1023: Mr. EMERSON, Mr. KENNEDY of Massachusetts, and Ms. MCKINNEY.
H.R. 1131: Mr. HASTERT.
H.R. 1278: Mr. JOHNSTON of Florida, Mr. FARR, Mr. FILNER, and Mr. ENGEL.
H.R. 1488: Mr. ZELIFF, Mr. COBURN, Mr. WALKER, Mr. ROBERTS, Mr. SKELTON, Mr. TATE, Mr. WATTS of Oklahoma, Mr. LINDER, and Mr. GRAHAM.
H.R. 1552: Mr. BARCIA of Michigan, Mr. WELDON of Florida, Mr. FOGLIETTA, and Mr. GUTIERREZ.
H.R. 1589: Mr. GREENWOOD.
H.R. 1619: Mr. STARK.
H.R. 1625: Mr. BURTON of Indiana and Mr. LEWIS of Kentucky.
H.R. 1627: Mr. DREIER and Mr. BARTLETT of Maryland.
H.R. 1684: Mr. SABO.
H.R. 1701: Mr. REED.
H.R. 1702: Ms. ROYBAL-ALLARD.
H.R. 1703: Ms. ROYBAL-ALLARD.
H.R. 1704: Ms. ROYBAL-ALLARD.
H.R. 1713: Mr. CUNNINGHAM and Mr. ROYCE.
H.R. 1744: Mr. OWENS.
H.R. 1834: Mr. BAKER of Louisiana, Mr. SHUSTER, Mr. BACHUS, Mr. SHAW, Mrs. WALDHOLTZ, Mr. SAXTON Mr. MONTGOMERY, Mr. NUSSLE, Mr. QUILLEN, and Mr. KIM.
H.R. 1893: Mr. LAZIO of New York, Mr. WYNN, and Mr. KING.
H.R. 1916: Mr. HAYWORTH.
H.R. 1923: Mr. ROTH, Mr. HOSTETTLER, and Mr. ROYCE.
H.R. 1936: Ms. PELOSI, Ms. LOFGREN, Mr. WYNN, Mr. HILLIARD, and Ms. SLAUGHTER.
H.R. 1948: Mr. DURBIN, Ms. LOFGREN, Mr. WYNN, Mr. FRAZER, Ms. SLAUGHTER, Mr. COLEMAN, and Mr. WAXMAN.
H.R. 1963: Mr. BLUTE and Mr. OWENS.
H.R. 1965: Mr. HASTINGS of Florida, Mrs. CLAYTON, Mr. RIGGS, Ms. RIVERS, Mr. BROWN of California, Mr. ROSE, Mr. FRANKS of New Jersey, and Mr. BORSKI.
H.R. 1968: Mr. FOX.
H.R. 1972: Mr. QUINN, Mr. HEFLEY, Mr. FORBES, Mr. COOLEY, Mr. FRANKS of New Jersey, Ms. LOFGREN, Mr. RICHARDSON, Mr. BAKER of California, and Mr. THORNBERRY.
H.R. 2026: Mr. WILSON, Mr. DINGELL, Mr. SABO, Mr. WAXMAN, Mr. FOX, Mrs. MEEK of Florida, Mr. EHRLICH, Mr. BASS, Mr. LATOURETTE, Mr. SERRANO, and Mr. RAHALL.
H.R. 2071: Mr. FROST and Ms. MCKINNEY.
H.R. 2072: Mr. SMITH of Michigan and Mr. LEACH.
H.R. 2089: Mr. HOEKSTRA, Ms. DUNN of Washington, Mr. DAVIS, Mr. STUMP, Mr. FRANKS of Connecticut, Mr. HASTINGS of Washington, Mr. CUNNINGHAM, Mr. CHRISTENSEN, Mr. POMEROY, Mr. GANSKE, Mr. PETE GEREN of Texas, and Mr. TIAHRT.
H.R. 2098: Mr. STEARNS, Mr. HOSTETTLER, Mr. SCARBOROUGH, Mr. CHRISTENSEN, Mr. BARCIA of Michigan, Mr. CHRYSLER, Mr. COX, Mr. LARGENT, Mr. ROHRABACHER, Mr. SHADEGG, and Mr. BARTON of Texas.
H.R. 2137: Mr. PETE GEREN of Texas.
H.R. 2143: Mr. EVANS.
H.R. 2181: Mr. GENE GREEN of Texas and Ms. SLAUGHTER.
H.R. 2190: Mr. WILSON, Mr. BRYANT of Texas, Mr. WHITE, Mr. LATOURETTE, Mr. THORNBERRY, Mr. DE LA GARZA, Mr. STEARNS, Mr. YOUNG of Alaska, Mr. SHADEGG, Mr. INGLIS of South Carolina, and Mr. LEACH.
H.R. 2193: Mr. BRYANT of Texas, Mr. FILNER, Mr. GONZALEZ, Mr. EDWARDS, Mr. TEJEDA, Mr. OBEY, Mr. FROST, Mr. BARRETT of Wisconsin, Mr. DE LA GARZA, Mr. WYDEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of Texas, Ms. FURSE, Mr. GENE GREEN of Texas, and Mr. MATSUI.
H.R. 2199: Mrs. THURMAN.
H.R. 2200: Mr. DREIER, Mr. HOEKSTRA, Mr. RIGGS, Mr. SCHIFF, Mr. HOKE, Mr. CUNNINGHAM, Mr. HAYWORTH, Mrs. LINCOLN, Mr. HAYES, Mr. BONILLA, Mr. WHITFIELD, Mr. FROST, Mr. CANADY, Mr. KLINK, Mr. GILLMOR, Mr. LATOURETTE, Mr. DICKEY, Mr. CHRISTENSEN, and Mrs. CHENOWETH.
H.R. 2240: Mr. WAXMAN.
H.R. 2265: Mr. STUMP and Mr. WATTS of Oklahoma.
H.R. 2270: Mr. SCARBOROUGH, Mr. STEARNS, Mr. BROWNBACK, Mr. WICKER, Mrs. CHENOWETH, and Mr. TIAHRT.
H.R. 2278: Mr. ROSE.
H.R. 2290: Mr. LIPINSKI, Mr. UNDERWOOD, Mr. GUTKNECHT, Mr. TAYLOR of North Carolina, Mr. SOUDER, Mr. LARGENT, and Mr. ENGLISH of Pennsylvania.
H.R. 2306: Mr. BEREUTER.
H.R. 2310: Mr. MOAKLEY and Ms. VELAZQUEZ.
H.R. 2326: Mr. GENE GREEN of Texas and Mrs. SMITH of New Jersey.
H.R. 2341: Mr. SOUDER and Mr. PACKARD.
H.R. 2344: Mr. TOWNS, Mrs. KELLY, Mr. FILNER, Mr. ACKERMAN, Mr. SCHUMER, and Mr. VENTO.
H.R. 2351: Mr. FOX, Mr. COBLE, and Mr. SOUDER.
H.R. 2374: Mr. WALSH, Mr. GOSS, and Mr. TORKILDSEN.
H. Con. Res. 50: Mr. ROSE.
H. Con. Res. 97: Mr. FILNER.
H. Res. 200: Mr. LIPINSKI, Ms. SLAUGHTER, Mr. WAXMAN, and Mrs. LOWEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1915: Mr. KIM.
H.R. 2202: Mr. KIM.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

42. The SPEAKER presented a petition of the Atlanta City Council, Atlanta, GA, relative to Federal drug abuse prevention programs; which was referred to the Committee on Economic and Educational Opportunities.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 743

OFFERED BY: MR. GENE GREEN OF TEXAS

AMENDMENT NO. 4: Page 8, line 2, strike the semicolon and insert the following:

": *Provided further*, That if an employer is found to have violated this section—

"(A) the Board shall order the employer to take such affirmative action as is necessary to correct the effects of the violation, including requiring the employer to grant independent labor organizations reasonable access, in a manner that does not interfere with the employer's operation of the facility where the violation occurred, and the Board shall issue a cease and desist order directing the employer not to violate this paragraph at any of its facilities,

"(B) on 3 occasions, the preceding proviso shall not apply;".

H.R. 743

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 5: Page 7, line 16, strike "employees" and insert "representatives of employees, elected by a majority of employees by secret ballot who participate to at least the same extent as representatives of management,".